

The reason is that the corpse is not approximating to the living state, that is to say, he would be a bold person who would undertake to say that that corpse was a person that he would know; the ~~skxxx~~ changes in the face have been so great since death. Therefore it seems to me that your only hope of identification is to infer what you can as to the underlying bony structures, the fixed points, in so far as they have not been mutilated by things that have happened to the corpse. Your only chance is to infer what you can as to the position of those and then infer what you can as to the corresponding position from the photograph of Philomena Morgan, supposing that you wish to establish that the corpse is Philomena Morgan. These bony structures do not lie in one plane, they lie in space. The face has length and breadth and depth, and from examination of only one photograph you can form only a very hazy idea as to the depth. For instance, take the chin on this photograph of Philomena Morgan on Exhibit "XX". Merely by looking at that photograph you cannot tell how far that chin lies behind the vertical plane through the nose; it might be an inch, half an inch, or it might be an inch and a half - you cannot tell. Similarly in examining the corresponding photograph "OO" on Exhibit "XX" you cannot tell. That is to say, by looking at those photographs you can say that seen from the front they have a certain similarity of appearance, but you can conclude nothing or very little as to how similar they would appear when seen from the side. Asked if the line drawn in the photographs from the centre point to the point of the chin is of any value for comparison, I say that one line is of no value. You need at least two in order that there may be a comparison of lengths. I would say that the lines across the cheek are completely valueless. These lines Nos. 2, 3 and 4 are completely valueless. The first reason is that

they are drawn from certain points on the photograph to certain other points on the photograph. We have no means of knowing what are the corresponding points on the face. This line, No.3, is drawn from the point on the photograph corresponding to this point on the nose and we can place that fairly certainly. It is drawn around to some point on the contour of the face and we have no means of knowing how far back from the point of the nose that point to which that line is drawn goes. It is pure guess work as to what point on the actual face corresponds to this point on the photograph. The second reason that these lines are valueless is that they are drawn to fleshy points. If Miss Morgan had had an illness and her face had fallen in, the apparent contour would have been quite different. I think it is evident that no reliance can be placed upon drawing to a fleshy point for purposes of identification by comparison. The illustration that Detective McCallum gave of the photographs of the two ellipsoids of different shape is a perfect demonstration. The photographs are indistinguishable as to the contour. They can be picked out because of certain ^{surface}~~surface~~ markings. Those photographs give no indication whatever as to the amount of depth in the object that was photographed; whereas in fact one of those ellipsoids was a very flat one and the other a rounded one. It is a perfect illustration of the fact that merely from a full-face photograph you cannot infer what are the depths of the various points behind any plane which you like to take. If it is suggested that a measurement from the centre of one of these ellipsoids to the edge would be inches different from a similar measurement on the other ellipsoid, although they would appear the same in the photographs, I agree the two things would appear the same in the photograph, but of course you cannot fix the position of a point by only one measurement. You need three.

If you want to fix the position of this lamp, you must give its height from the floor, its distance from that wall and its distance from this wall. A full-face photograph gives you two measurements, and the third one is entirely or almost entirely lacking. You can start guessing as to what the third one is, but there is no certain inference. If you were certain that you had two photographs that were taken from exactly the same aspect, then if you made transparencies, super-imposed them and found them to coincide, that of course is some evidence of identity. By itself it is not proof. On the other hand, if you have two photographs which are not from the same aspect, then it is a very much more difficult matter to get evidence of identity that is even of that partial nature. I now superimpose this transparency on the lines drawn on photograph marked "B" of Exhibit 63. It is a true copy of the lines drawn thereon; I agree it is an accurate transparency.

EXHIBIT No. 76.....Transparency of lines drawn on photograph marked "B" of Exhibit 63.

This transparency now handed to me is an accurate transparency of the black lines drawn on the face of the photograph marked "C" of Exhibit 63.

EXHIBIT No. 77.....Transparency of black lines drawn on photograph marked "C" of Exhibit 63.

OK Asked to look ^{at} ~~up~~ the two transparencies and to say which, if any, of the lines mathematically coincide, I say, first of all, the two diagrams are the same general character, that is to say, there is a correspondence between each line in one and a certain line in the other. The diagrams are roughly the same. If you superimpose them so that one line coincides with the corresponding line, then certain other lines coincide with certain lines, but certain other lines do not coincide. That is to say, it is impossible to superimpose them so that they fit

perfectly. You can get a partial fit, but not a perfect fit. Some of the lines are the same in length and some are not. Some angles are the same and others are not. If I knew the two photographs were of the same person, I would not need any evidence of identification. Assuming they are photographs that are not known to be of the same person, if I knew that they were in exactly the same orientation there would be no purpose in drawing any lines across them. One would simply make transparencies, superimpose the one on the other and see if they fit. I therefore conceive the only purpose of these lines is to make some allowance for the fact that the aspects from which the two photographs were taken were not the same. I conceive the only purpose of those lines is to provide, if possible, evidence of identity when the aspects of the two photographs are different. If the aspects are different, the fact that the face has depth as well as length and breadth becomes very awkward. For instance, to take an extreme case, looking at the full face photograph you do not know how much the nose sticks out beyond the vertical plane say through the bridge of the nose. Merely having a full-face photograph, if you want to sketch the profile of that person you would be quite in the dark as to how far out to draw the nose. That is an extreme case. The difference between the full-face and the profile is a very large difference in aspect, but to a smaller extent the same principle applies when there is any change of aspect. The most you can do is this: if you have a set of anatomical points which you know to lie in the same plane, you place them on your full-face photograph, join them up by a grid of lines - all this is on the hypothesis that you know these points to lie in the one plane. Merely by looking at the full-face photograph you cannot know that. However, suppose you make that hypothesis, then if you know

how much the aspects of the two photographs differ it is possible to calculate, although it is not easy, just what that grid of lines would look like in the photograph from the other aspect. Here is a simple illustration. Just suppose you had four points. You can imagine that those four points are certain anatomical points. In the photograph from the front those points are projected straight back to here (illustrating with grid and cardboard). If you are photographing from a different aspect then you have a different projection. For your convenience, instead of altering the screen and leaving this the same, I will leave the screen and alter that. It is the projection of this figure on the screen that would correspond with what I conceive to be the purpose of these lines on the face. I say that you can calculate, with sufficient trouble, what would be the actual projection. You could do it graphically, if you took a source of light a long way away and simply put this into proper aspect and put the shadow on the screen; but without doing that and without doing the calculation there is a test you can apply to see whether something that purports to be a projection of this actually is a projection, and the test is this: this thing has two sides parallel; it also has the other two sides parallel. In any projection whatever of this the projections of those sides also will be parallel. That can be seen. You simply hold it up and if you move it about these two wires always appear to be parallel. If we may return to the sets of lines on Exhibit "XX", I conceive that these lines have been drawn like this because it is thought that the two faces were photographed from different aspects, otherwise I see no purpose in the lines at all. These grids, I take it, purport to be corresponding projections of the same figure. The only case in which you can with certainty say anything at all about the one

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projection when you merely know the other is that in which
all the lines lie in the one plane. That is a ~~hyp~~
hypothesis that I conceive Dr. Benbow to have made when
he drew these lines. Whether that hypothesis corresponds
to the truth I cannot say; no one can say. It is pure
guess work. However, suppose we make that hypothesis.
Then you can apply this test; you can find if any two
of these lines are parallel and you can see whether the
corresponding lines here (indicating other photograph)
are parallel, and if your hypothesis is correct then the
ones here ought to be parallel. I have applied this test
to the transparencies Exhibits Nos. 76 and 77 which have
been proved to be true copies of these two sworn Exhibits
and these transparencies do not fulfill this test. In one
of them there are three lines which appear parallel; in
the other two of them are parallel and the third is not.
That is to say, these three sets of lines do not fulfill
this condition/^{that} is necessary if they are to be different
projections of the same plane figure. I said the only
case in which you could conclude anything from these lines
was the one in which you assumed that the various points
to which the lines are drawn all lie in the one plane in
the actual face. If you make that assumption, then the
two groups have to satisfy a certain test. They do not
satisfy that test. Therefore, even at the best, even if
you agree that the assumption is accurate, the grids have
been inaccurately drawn. I do not see that that is valid
evidence, that valid evidence can be drawn from inaccurately
drawn grids. I look at the photographs Exhibit "A2".
I heard Detective McCallum cross-examined about those and
I heard him ask^{ed} whether that was any value at all because
of the angle of the line running from the point of the nose.

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In my opinion a comparison such as that on those two photographs has very little value for proving or disproving identity. In order to get any evidence of identity from those you have to make a certain assumption, you have to assume that the aspect of the lip in the two cases is the same; that is to say, that the lip in the one case has not been drawn back and in the other case has not been pushed forward. Obviously the lip is a very mobile thing. I personally would attach no value to the measurement of that angle on those photographs. However, if you wish to attach any value, suppose you grant that this is of value, then I think there is more evidence of lack of identity than there is of identity on these two photographs. If you start drawing lines on the photographs and assume that they correspond to the same lines on the face, you must not look simply at one thing, you must look at the whole evidence. This line that is drawn along the line of the upper lip has a certain relation to the line of the forehead and it has a certain relation to the bridge of the nose, and on the one photograph that line passes almost exactly through the bridge of the nose, and on the other it passes substantially behind. Even on this, where the scale is only about less than half the scale of that, the distance here (indicating) is already larger. I am speaking of the line of the upper lip. Making all assumptions in favour of what Dr. Benbow says about those photographs, I would say the evidence is rather against identity than for it. Actually I would not try to prove or disprove identity from these.

TO THE CORONER: There are certain teeth missing from the mould produced. I think there are seven missing. Assuming two of the teeth are filled with gold, so many with amalgam and two with porcelain fillings, I have no idea what the likelihood is of that being repeated in another human being. You would need the statistics on the point.

You would have to get from a lot of dentists figures as to how often they put a gold filling into this second molar, how often they put an amalgam filling into the first molar and so on; how often they extract the first molar. I think it would be possible to ascertain that by putting a dentist into the box.

TO MR. READ: You would have to know all the possibilities - how many ~~possi~~ positions in which a tooth could be filled, how many materials with which it could be filled, the number of teeth, and as I say you would have to know in what proportion of the population such and such a tooth gets a gold filling and so on. I do not know that.

TO MR. ADAMI: I have seen the body that ~~it~~ is lying in the Morgue here. It was after seeing that body that I said it would be a bold person who would say that that corpse is a certain person, so great are the changes. I would still be of that opinion even if I were told that some eight or ten people had seen the corpse in the last few weeks and had no difficulty in identifying it. In other words, I say those eight or ten people are bold. I would not go further than that and say that they have performed an impossible task.

TO MR. MONAHAN: Undoubtedly it is easier to prove the negative; it is easier safely to exclude the fact of its being, let us say, X rather than to prove that it is X. I would agree that the changes that I have referred to do not take place in the teeth, unless a tooth were, let us say, knocked out by a bullet. I would imagine that the bones do remain the same. If at the time of death the teeth were ordinary healthy teeth, I would expect them to retain all their fundamental characteristics after ten years in a formalin bath. I do not know anything about the eyes. If the person whom it is attempted to identify is shown undoubtedly to have had brown eyes and the cadaver is shown

undoubtedly to possess a blue eye, I do not think that would be sufficient to exclude the possibility of its being one and the same person. I do not know enough, but it is well known that there is, so to speak, a certain interchangeability between brown eyes and blue eyes. For instance, in collie dogs you will find one brown and one blue eye. If the live person is shown to have possessed two brown eyes and the corpse has one blue eye, I could not express an opinion because I do not know whether changes that take place after death might result in a change in colour. I agree that you can superimpose the templet (Exhibit 76) on the photograph marked "B" in Exhibit 63, except for the red line. Superimposing that template (Exhibit 76) on the photograph of Philomena Morgan in Exhibit "H2", I should judge that the result is not quite so good. I agree it is reasonably accurate. I now superimpose the templet (Exhibit 77) on the photograph marked "C" of Exhibit 63. That is almost a perfect transposition. I have an amateur knowledge of photography. I have sufficient knowledge to know that photographic paper plays queer tricks, according to atmospherics and the presence of ink and so on on the back. I look at this photograph, part of Exhibit "H2". I would not be prepared to admit that that is the same photograph. The lines in this templet cannot be correctly superimposed on the lines in that photograph. If it is suggested that it is the same photograph and that the obvious answer is that either there has been some slight error in draughtsmanship or there has been some contraction or expansion of the paper, I say the obvious answer is that this print is of a slightly different size from that. That is possibly due to expansion^{or}~~and~~/contraction. I agree on a rough examination that both prints appear to have been printed from the same negative. The fact that this templet

fits the one and does not fit the other proves something. ~~The~~ One thing it may prove is that this set of lines has been differently drawn. It may prove that there has been a slight inaccuracy in draftsmanship; it may prove they were printed from different negatives. I superimpose this transparent paper templet (part of Ex. "H2") on the photograph of the deceased (part of Ex. "H2"). This templet cannot be accurately superimposed. If you get these radiating lines here right, then it is wrong at the bottom. The lines above the base line are a reasonable transposition, but the lines below are not. I superimpose the same transparent paper templet on the photograph of Philomena Morgan (part of Ex. "63"). That is a reasonable transposition. I do not follow your suggestion that the nigger in the woodpile is that something has happened to the photograph of the deceased (part of Exhibit No. 63) or something has happened to the photograph of the deceased (part of Ex. "H2"). I have superimposed on the photograph of the deceased (part of Ex. "H2") the templet (part of Ex. "H2"), and I agree that the lines there coincide with reasonable accuracy both as to length and degrees. I have superimposed the same transparent paper templet ~~upon~~ ^{upon} the photograph of Philomena Morgan (part of Ex. No. 63), and I agree that the lines there coincide with reasonable accuracy both as to length and degrees of angles, that is to say, the ones up above. I remember that when I tried to get that result with the photograph of the deceased (part of Ex. No. 63) it would not work. That does not lead me to the conclusion that if those two photographs were printed from one and the same negative something has happened to one of them. It leads me to the conclusion that the lines were not drawn the same here as they were there. I agree that if that is the solution and it is not due to shrinkage of paper then the person who prepared the

lines on the photograph of the deceased (part of Exhibit No. 63) did not make a very good job of it as a draftsman. If it is suggested that the drafting of the lines in the photograph of the deceased (part of Exhibit "H2") is done more carefully than it is in the photograph of the deceased (part of Exhibit No. 63), I say that depends on what the purpose of it is. If the purpose is to show lines of equal length and of the same degree of angle to the same anatomical points in the two photographs, I can test whether the lines are of the same length and angle, but I cannot test whether they are the same anatomical points. We can see that the lines superimpose, but if we do not know that they are to the same anatomical points how does that help us? If someone else who knows something of anatomy says they are to the same anatomical points, then that is evidence for a certain similarity. It is not evidence for complete similarity. I remember saying early in my evidence "I would say that if you are to make a reasonably certain identification as between a certain person and a corpse you must have similarity in sufficient number of features. Logically you would need similarity in every feature before you could be certain that they are identical, because if they differ in just one feature, if they were proved to be different in just one feature ~~that~~ that would prove that they could not be the same. Logically therefore you would need to prove similarity in every feature. In practice you would be content to examine a sufficient number of features". I agree, if anatomists are content to say those lines point to the same anatomical structures or features, that there you have a number of points of similarity between the two photographs. I again superimpose the transparent paper templet (part of Exhibit "H2") on the photograph of the deceased (part of Exhibit

"H2"). Disregarding all the lines above the base line, I agree that working from the same common centre point the lines which have been drawn to points in the teeth can be superimposed. Taking Philomena Morgan's photograph (part of Exhibit No. 63) and again disregarding the base line but working from the same central point, I agree the lines can be superimposed on the lines drawn to points in the teeth of Philomena Morgan. I see two sets of lines coming from the central point to different parts around the mouth in the two subjects. I agree that the two sets of lines can be superimposed with considerable accuracy. They agree as to length and as to angles. Taking the photograph of the deceased (part of Exhibit "H2") and superimposing the two horizontal lines that meet two perpendicular lines which indicate the width of the mouth, I agree that the one horizontal and the two verticals can be superimposed. They can be quite accurately superimposed on that picture. They can be equally accurately superimposed on the photograph of Philomena Morgan (part of Exhibit No. 63). I am willing to answer a question on the hypothesis that it will be found hereafter that there are 62 points on the photographs of the two subjects in respect of which the lines agree both as to length and degree of angle, but I would point out that we have already proved that the angles are not equal. That is proved because you can superimpose this top half on the top half and the bottom half on the bottom half, but you cannot do them both at the one time. That is because a certain angle is not equal. I am willing to answer, on that hypothesis, your question as to whether that would go a long way in proving the identity of the person, but it seems to me to be just plumb silly to make a hypothesis that is not in accordance with fact. On that hypothesis, it would go some distance, but I cannot say whether it would go half-way or a quarter-

way or three-quarter way. I can say it would go some distance. Asked if I can imagine a person picking out on a photograph a central point for the purpose of comparison with another photograph, I say it would have any sense only if it were to be the corresponding points on the two faces. Anyone could have a shot at it, but I take it that only an anatomist could have a reliable shot at it. I look at Exhibit "XX". I see what has been referred to as the central point there. I see where the central point is in Photograph "NN", part of Exhibit "XX", and where the central point is in Photograph "OO", part of Exhibit "XX". Those central points may not be in exactly the same position on the two photographs in relation to the nostril. It is very difficult to see the outer curve of the nostril. One is a clear-cut photograph and the other is rather artistic. I could not say whether those two centres allow fairly accurately for the difference in the plane of orientation in the two subjects. Before I could answer that question I would have to have explained what is the purpose of the centre. If the purpose is to draw measuring lines to different anatomical features, it depends where you imagine the plane of the photograph to be in relation to the actual face. You might imagine the plane of the photograph passes through the point of the nose, you might imagine that it is half an inch behind that or that it is one inch behind that. Let us take some anatomical point; you project it on to, let us say, two planes, one through the point of the nose and the other one one inch behind. You take a certain anatomical point, let us say a tooth or a corner of the nostril; you project it on to those two planes. Now you alter that aspect, you rotate those planes a little and you project the same point on to them, and this time it will have different projections. In other words, your question as to whether

these centres are properly shown here is meaningless until you tell me what is the relation of the plane of the photograph to the face, whether it is supposed to pass through the point of the nose, one inch behind or elsewhere. I understand what you want me to do when you ask me to take the dividers and from the arbitrary central point in these two photographs run a circle around to the different anatomical points to see whether I agree that one can fix pretty accurately in the ultimate result by means of the dividers the actual amount by which the face is inclined or oriented. I can imagine a straight vertical line through the centre of the two upper central incisors in the photograph of Philomena Morgan. I can imagine running a circle from the central point, that is with one leg of the dividers on the central point, and running a circle around to the vertical line. I see where that circle runs to on the tip of Philomena's nose. It comes roughly to the inner edge of the left hand nostril. Doing exactly the same thing on the photograph of the deceased, I do not agree that it comes to a point further past the centre of the nose. It is still on the right hand side of the centre of the nose. I do not agree that it takes me to a point about three-sixteenths of an inch further to the left on the photograph of the deceased. As near as I can see, I should say it was very nearly the corresponding point of the nose; if anything, it is a little further to the right on the photograph, that is to say, on the left of the actual subject. But seeing that the point of the nose is sticking out in front, I would not know what to conclude from that.

LUNCHEON ADJOURNMENT.

I have said that when one gets away from positive certainty one is content, for practical purposes, to take a number of points of similarity. I would not like to specify just how

many. I am not familiar with the learning on the subject of finger-prints; I have only the vaguest notions about that. I know that the theory is that no two finger-prints have ever been the same in nature. Assuming that the theory is that when you find eight points of similarity that is for all practical purposes a sufficiently safe number upon which to base an opinion that the two finger-prints are identical, I say in regard to the matter I have been discussing that the approximate number of points of similarity^{required} depends entirely on what sort of comparisons are being made. I cannot answer the question of roughly what number of anatomical points would be safe; I cannot answer the question in that general form. I heard Mr. McCallum's evidence pointing out the danger into which we may fall by disregarding the possibility that we may have a face which on the flat frontal surface has a number of undisputed points of similarity but which may have an enormous bulge on the back of the head, and I know he used the ellipsoids to demonstrate. I have said that his illustration with the ellipsoids is a perfect illustration. I appreciate that on an ellipsoid there are no points on the face itself and that you simply have the photograph of an ellipsoid which comes out as a more or less ~~spherical~~^{circular} object with no points of comparison on its face. Asked to say how many points of similarity in anatomical places on a human face would make me feel reasonably certain in saying "That is the same person and I will take a risk on whether he has a big protuberance on the back of his head", I say it all depends on what is the character of the similarity. When you say "points of similarity" you are lumping under one head things that may be very different. For instance, suppose you take the shape of the eye at the inside, that is a thing that may be very characteristic, as for instance between a European and an Oriental. That would be what you

might call a fine point. If two people differed there, then perhaps you would attach great weight to that. On the other hand, if you had a photograph of a person with bulging cheeks and another photograph with cheeks not so bulging you might attribute that difference, to use your words, to whether he had been out in a good paddock. Therefore there would not be so much weight attaching to a comparison of cheeks as to a comparison of eyes. Dealing only with bony eminences or protuberances, that is, something that is not a fleshy part like the cheek which will alter, I could not say how many such points of similarity would be reasonably required until I had really thought about it. I certainly would say you need more than half a dozen. The position is that I am unable to fix the number. If Dr. Benbow's evidence was to the effect that he does not pay very much attention to the lines across the cheek but that he uses them to point out that they are at the very least in conformity with the view he expresses, based on the teeth and the other lines and so on, because they negative the existence of any marked protuberance in the cheek of one of the two subjects, I agree they negative a protuberance of more than a certain amount. The coincidence of the lines and angles that you demonstrated to me this morning by the use of the transparent paper templet shows that the faces are fairly similar. I am unable to say whether Dr. Benbow's hypothesis is correct or not as to the difference in angle being explained by the reasons he has advanced because I do not know the reasons he has advanced. This morning when I said I was unable to say whether his hypothesis was correct or not, the point I was making, although perhaps I did not make it very clear, was this: that if you want to compare two photographs taken from different aspects the most that you can compare with certainty are positions of points that lie in

the one plane. If you do not know they lie in the one plane, then if you want to get on at all you have got to assume it and remember that you are assuming it. I said that it is only on the assumption that those various points, which are significant on this diagram of lines, all lie in one plane that you can proceed to the comparison, that is, that you can proceed to something that is knowledge as apart from guess-work. With regard to the matter of picking some arbitrary point which Dr. Benbow says is justified to allow for the difference in the pose, I did not say in my evidence that I did not know whether that hypothesis could be demonstrated to be a safe one or not. In my evidence I said that if you make this hypothesis that the various points that are under discussion are in one plane and if you join them up by lines and if two of those lines are parallel, then if you take a picture of the object from a different aspect and take the corresponding lines those corresponding lines would have to be parallel. Then I said that in the two sets of lines which Dr. Benbow has superimposed on the two photographs there are three lines in one which are parallel and the corresponding lines in the other are not. I am not now going back to the matter of the shrinking of the photograph; it has nothing to do with that. I am not forgetting that I said I was satisfied it was a reasonably accurate transposition of all the lines first above the base line and secondly and independently below the base line; but of course you have not asked me whether I consider that any conclusion can be drawn by considering independently the lines below the base line and the ones above. Asked if I understand that Dr. Benbow has a reason which he advances to show why that must happen in two pictures of the same face, that is, that the lines below the base lines will by reason of the pose be all coincidental while they throw the ones above the base lines out of gear

and vice versa, I say I understand that he may have a reason, but I do not understand his reason. I certainly would not care to say whether or not the hypothesis that all these points concerned were in the one plane was correct, because it is mere guess-work.

TO MR. READ: With regard to the fact that the lines on this templet agree above the line if you have it one way, and agree below the line if you twist it another way, I think the value from the point of view of identification is distinctly less than it would have been if you had got the coincidence simply from the one superimposition. In other words, the fact that you have to put it in one position to get the top coincidence and then a different one to get the bottom coincidence, to my mind makes a less strong case than if you had been able to get the coincidence in one. I look at the lines that are drawn on the two photographs (both part of Exhibit "H2"). I look at the extreme line on the right hand side of the face leading to one of the teeth. Those lines are drawn to what is guessed to be corresponding points on the lips. Continuing it down to the teeth, I do not think it is possible to say there is any difference in where they come on the teeth because of the haziness. It is fair to say it is not far out. If anything, I would say that on this photograph of the corpse the line falls somewhat more into the body of the tooth than it does in this one. In my view you certainly cannot draw any conclusion from these mouth lines that are drawn on photographs unless they are drawn to the same anatomical points. In my opinion, very little reliance can be placed for the purpose of identification by drawing these lines on faces in view of the fact that they are three dimensional objects shown on photographs.

TO MR. MONAHAN: I look at the line to which Mr. Read drew my

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attention, the line on the right hand side of the subject and not of the photograph. If it is suggested that that line before it dips down at an angle to the teeth goes to what could properly be called an anatomical point, namely, the upper edge of the lip, in each case, I prefer not to express an opinion as to whether that is a definite identifiable anatomical point. Before I answer your question whether it goes to the same position of the lip on each photograph I am afraid you must specify what you mean by "the same position". The situation, as I see it, is that there is a certain similarity in appearance in these lips. In both cases the lip appears to be somewhat higher on the right hand side than it is on the left and you can take that higher point. If it is suggested that it is not uncommon to find that people's mouths are not perfectly symmetrical, I say they may not agree simply because of the application of lipstick. In the case of the corpse, I do not see that any conclusion can be drawn once the thing has been knocked about.

TO THE CORONER: Three marks on the shoulder of the body were not pointed out to me. I was told of them, but I did not see them. I look at Photograph No. 16. I do not see the three marks high up on the shoulder. I only see what might very faintly be a vaccination mark. I see them on Photograph No. 17. I see them on the three photographs now. I can imagine a line drawn through the axis of the three marks on photograph No. 16. I see it is drawn here. I agree that that pencil mark is somewhere about the axis of the three marks. That line has been correctly drawn on photograph No. 17, but after all there is foreshortening. I think I am correct in saying that as you alter the aspect from which the photograph is taken this line would not necessarily remain parallel. In one case it would apparently point up more and in another case it would

apparently point down more. I agree it is a matter of perspective where it would come on this photograph. If Dr. Benbow said something to the effect that the same camera could not reproduce the spots in the way they are shown in these photographs, I say it seems to me that the apparent positions of these spots would be influenced a good deal by a very small movement in the arm. I should judge that in this photograph (No. 16) the arm really is further forward than in that. Therefore you would expect the line of the spots to point somewhat more up. I would dispute that this line on photograph No. 18 has been fairly drawn through in, so to speak, the best position. I have now heard read the passage from Dr. Benbow's evidence (P.469) as follows : "Those spots on Linda Agostini's arm are rather interesting. They have moved their axis about. Drawing a line as carefully as possible through the centres of the spots, I say the line in Exhibit 16 has a totally different angle to the line in Exhibit 18 and that has a totally different angle to the line in Exhibit 17".

(Page 648 follows)



Those spots are at a place where the curvature of the arm is fairly great. The spots are not really in a straight line. The middle one is further forward than the other two. That will alter the appearance so that actually in one photograph they appear pretty accurately in a straight line and in another one they markedly are not on a line. Actually this line dipping down on Photograph No. 18 has been drawn through two of them, but the third spot is actually slightly above it. If you had chosen to draw it through the other two, you would have got a different line.

TO MR. MONAHAN: I see the ornament on Exhibits 17 and 18. I should say that in No. 17 the thing is certainly pointing down a little bit more towards the left side of the woman. That is how it appears to me. I would explain that not through any photographic subtleties, but simply that the arm in coming forward a little has pushed this side of the dress. Assuming the body was rotated with the arm kept constant in the same position, I would not expect to find so much discrepancy in the two axes through the spots, but then, I may say, I would not find so much — I would draw this line differently from what it is drawn on the picture. I have not said that I would not expect to find the difference in the axes that I can observe, irrespective of who drew these, if the body rotated with the arm constant. I said I would not expect to find the discrepancy shown here, but I also said I would not find so much discrepancy; that is to say, I would draw this line differently.

TO THE CORONER: I take it that the word "discrepancy", which was a word first used by counsel, means those lines slope down and this one is horizontal; that is, that "discrepancy" means the difference in the axes as put on by whoever drew those. I would not expect to find such a marked difference



as is demonstrated here by these pencil marks. The way I would have drawn the axes the difference would not have been so marked. If the body had been rotated with the arm being kept constant, I would have expected to find the difference in the axes as I would draw them. The reason is that these spots are somewhat below the level of the camera, that is to say, the rays of light to those spots are pointing down. The camera is somewhat above the level of these things. If you are looking straight at them, you see them here as a horizontal line. We will neglect the fact they are on a curved surface. On the other hand, if you look at them from the side, you see that line is sloping. In fact, what you have to take is the projection of that line on a ~~horizontal~~^{vertical} plane. (Witness illustrated with cardboard etc.) If you draw horizontal lines through there, then the line from your eyesight there is going down and hitting that plane on which you are projecting lower than this horizontal through here. That means that on the plane on which you are projecting that line would appear to slope down. That is to say, as you gradually rotate the subject so that you are looking edgewise on to those things the apparent line of those spots will gradually appear to rotate downwards, from the back one to the front one the slope will be down. If my recollection serves me right, the photograph on which the line is sloping slightly down is somewhat more sideways than the one in which it is apparently horizontal, and I base that opinion on the fact that the three spots in the one where it is more ~~sideways~~ sideways appear to be closer together than they do on the other one. You must not look at the aspect of the body, it is simply the aspect of the arm that matters. As you come more sideways to the line of spots the spots will appear to be closer together and the line joining them will appear to slope more downwards. That would not account

for the middle spot altering its position in relation to the other two. I think that is due to the fact that they are on a curved instead of a flat surface.

TO MR. MONAHAN: I notice in Photograph No. 18 the middle spot appears to be lower than the middle spot in Photograph No. 17. I am forced to the conclusion that there is a sufficient curve to explain that. If a suggestion has been made that by some means or other the spots have got into the photographs, not being on the living subject, I would say this appearance is consistent with the spots actually being the identical spots on the living subject. I think it is sufficiently explained by the possibility of the curve altering its place in the alignment. Since you have asked me as to the possibility of the spots having been put on, I would say that any person who put them on would surely put them on in the plausible manner so that these axes were apparently parallel. I agree it follows that if I am wrong in my deduction as to the reason for the change in the axes then the person who put the spots on the photographs was a little careless or slap-dash. I see the three spots shown in Photograph No. 16. If it is suggested that they are not on the same part of the person's anatomy as the spots in Photographs Nos. 17 and 18 but are appreciably higher up on the arm, all I can say is that they are higher up in relation to the dress. I think it is a matter for an anatomist to decide whether they are higher up in relation to the top part of the arm which is able to be seen. After all, the aspect here is at right angles. This aspect with the axis pointing up merely confirms what I said. Looking at them from behind you would expect the axis to point that way on the principles of perspective.

(SIGNED)

J. Cherry

TAKEN AND SWORN BEFORE ME AT MELBOURNE THIS 14th DAY OF APRIL, 1944.

W. J.

CORONER.

RAYMOND RUPERT CARROLL on his oath saith:

My full name is Raymond Rupert Carroll, and I am a police constable stationed at Goulburn, New South Wales. It is correct that I have intimated to my Chief Commissioner that I wished to be called as a witness at this inquest to give some evidence. I have some evidence that I desire to give to His Worship. To my knowledge I have not seen Philomena Morgan in my life. To my knowledge I have never seen Linda Agostini in my life. There is no evidence that I desire to give to the Coroner that will necessitate my viewing the body of the deceased lying dead at this Morgue. In April 1936 I received an official file from the Detective Office, Sydney. I was then stationed at Five Dock Police Station. That file contained a letter. As to what file and what letter I am referring to, perhaps if the file is here I could identify that letter. It was a letter addressed from Bonona Post Office, Transvaal, South Africa, and signed J. Pressley. That letter was later identified. The letter attached to the file produced (Exhibit O2) is the letter to which I am referring. That letter was later identified to be in the handwriting of Mrs. Pressley, also known as Mrs. Jones and Mrs. Morgan. It was identified by Mrs. Routledge, Mrs. Pressley's daughter. The handwriting in that letter was identified by Mrs. Routledge as her mother's handwriting. As a result of the contents of that letter, I interviewed a man named John Morgan of Lyons Road, Five Dock. I know he has been called and has given evidence at this inquest. I had various interviews with Morgan.

TO THE CORONER: This is in relation to the identification of Philomena Morgan. I know he has been called as a witness here to give evidence. As to what further I can say about that, he said "I viewed the body of the victim of the Albury murder at the Sydney University." I am aware he has given that evidence here, that he said that here. I have seen the statement produced (Exhibit G). That is not what I am referring to now. I am referring to subsequent interviews with

Morgan.

TO MR. READ: The date of my conversation was 1938. It was after this statement.

TO THE CORONER: I started off by saying in August 1936. I am leading now to conversations with Morgan subsequent to taking that statement. He said to me "I was much surprised at the police coming to my home and bringing up the question of Philomena Morgan in my absence. I want nothing more to do with it. I will write to the Commissioner of police and inform him so." At a later date I saw a letter signed "J.Morgan." At that same conversation Morgan said "The mother and Det.Serg.McRae say it is not the girl. I don't care what they say, it is Phyllis Morgan." Morgan said that. The mother was saying that was not the girl at that stage. That was in 1938. I also accompanied a man named Griffiths to the Sydney University.

TO MR READ: I know that he has given evidence here and said that in his opinion it was the body of Philomena Morgan. As to there being anything else I can say to help the Coroner, perhaps the conversation I had with Griffiths may materially assist. On the 19th February, 1939, I interviewed a man named W.M.Huxley at Kangaroo Valley - I do not know whether this will be allowed to be admitted.

TO THE CORONER: In general, there was a complaint made by Mrs. Croft.

TO MR. READ: I interviewed Mr.Huxley at Kangaroo Valley. He informed me that a Mrs Croft who resided at Nowra but had since left the district had once said to him in conversation certain things about Sister Britts, that she took Mrs.Croft to a hotel in Canberra and whilst there Mrs.Routledge had drink, and whilst in that state screamed out "Oh, Phil. girl, I've shot you and burnt you. Surely you are not coming back to haunt me. Don't haunt me, Phil." At a later date Mrs.Routledge went to Mrs Croft and said "The detectives have new clues regarding the Albury murder. If I could get the money I would go to America. I would like to get away."