

I might be able to pick out irregularities, but even that would not convey anything. That would convey nothing to me. There is another slide of the mouth of Philomena Morgan. I will project that slide. I see the tooth that Mr. Monahan is pointing out. I am not prepared to say what kind of tooth it is, but it certainly has a sloping ^{edge} ~~tooth~~. For what it is worth, it looks to me more like a canine tooth. That tooth begins to slope away where Mr. Monahan is pointing. It does not stop sloping away where Mr. Monahan is now indicating, it goes down and is actually hidden by the lip. The end of it is actually hidden by the lip. I suggest there is no evidence whatever of knifing or shadow in that area to which Mr. Monahan is pointing. If you say that knifing is not only done with an instrument but that sometimes it is done with a chemical, I ask if you mean a reduction. The result is not the same. Knifing is the removal by scraping of the emulsion. The use of a chemical results in the removal of the emulsion also. Either using a knife or using a chemical as a reduction or an alteration on a particular part of the photograph has somewhat the same result, with this difference, that you cannot knife a negative without leaving evidence of the knifing, and if that were done here there would be evidence of it. There is no evidence of that fact here. There is no evidence of reduction as I see it, because the tone values there agree with the tone values elsewhere. If you look at the original proof of Philomena Morgan you will find on that portion that the area is so small that I would say ~~any~~ ^{no} photographer, be he ever so expert, could do a reduction by chemical means and get away with it, that is, and not have it quite obvious. As to agreeing that expert reduction by means of chemicals does not leave obvious signs as knifing does, that depends upon the area that has been reduced; in this case it is a very, very small one. Asked to assume that a very little quantity of chemical was used by a person

AM xx skilful in the job, as to whether even in an area such as this there would not be left any obvious signs, I say that he could not do it by chemical means on the area he has to work on here. No appreciation of that area can be given from this slide which is enlarged up to an enormous degree. In the original print, it is very, very small. My view is that that photograph is approximately an accurate photograph of the teeth of the subject ~~as~~ she then had them. I say "approximately" for this reason, that that is a copy taken from what we have called a daylight proof, and that that proof is a coloured one - it is a sepia toning - and rather difficult to photograph; but with the loss of tone values and with the introduction of extraneous marks, such as fingerprints and pieces of dust, I would say that is a comparatively good likeness to the original photograph. It is correct that on that enlargement as shown by the slide, the left central incisor seems to be much broader than the right central incisor. I am unable to say what that is due to; *AM* I cannot ~~not~~ determine the angle of that person's head, I can only approximate it, and any comparison of sizes there, which is of a 3 dimensional object on a plane surface is, in my opinion, quite useless. I agree that the impression conveyed by that depiction is that the left central incisor is a bigger tooth than the right central incisor. Viewed from the aspect from which that photograph was taken ~~was~~ ^{is} in my view a correct representation, photographically, of what those two teeth would look like. I can only say that possibly the aspect from which the photograph was taken has resulted in a distortion of the two central incisors with the result that the left central incisor looks larger than the right central incisor. That could be so. That is likely because you cannot show a three dimensional object on a plane surface. I agree that whatever the reason is it is something that very likely has occurred. I cannot see

from here the point to which Mr. Monahan is pointing, which you say is a fine white streak. On going around to where Mr. Monahan is, I see the mark. That does not look to me to be the actual edge of the tooth. I can find those streaks all over the picture. Look at that one down here (indicated); they are all over. That conveys nothing. I can see the shadow on that tooth which I think is a canine. As to not agreeing with Dr. Magnus who has said that in his opinion it is an inclusion lacuna, all I am prepared to say is that it is a shadow. On the photograph of Linda Agostini, (Exhibit 18) there is a definite shadow there on the tooth. I say that represents a depression in the tooth. Looking at the slide of the mouth of Philomena Morgan my impression is that the shadow represents the shadow of the lip creeping down on to the tooth. As to why that is so in this instance and why it is not equally so in the instance of the slide of Linda Agostini, it is because the two photographs are lit from different angles. You can see that the shadow of the top lip is coming down on to the roots of the tooth, and you cannot determine where the lip ends and the tooth begins. If you look at the photograph of Agostini you will see that any shadow that is coming from the top lip does not extend as far down as the depression we are discussing. I will point out a part of the lip that would throw that shadow on that tooth; the lip is projecting out, and I say that the tendency of the shadow is to creep down the tooth. I disagree that it is only the one central part of the tooth that shows that shadow. The shadow extends right to where the outer right edge of the tooth disappears. I will watch the place Mr. Monahan points out. There is a shadow there. The shadow here (indicated), insofar as you can define it, comes round here (indicated) increases in height here (indicated) and then comes around here. That is the way I interpret it. I cannot determine why the lip throws that corrugated shadow; I cannot say what it is.

As to whether I can point, on any of the other teeth to a shadow which comes further down than any of the rest of the shadows, here is an uneven shadow coming along here (indicated) There is the approximate edge of it. As to suggesting that what I have indicated bears any resemblance at all to the tooth I say is a canine, all I can say is that there are uneven shadows, and when the contour of the lip is lit from above, as has been done here, it is possible that the shadows can be thrown by the projection to the lip here. As to not being able to point to any part of the lip that would throw that shadow down as far as that, I cannot tell you what the shape of the lip would be when viewed from above, and that is the way the shadow would come from. On the left hand side of the tooth which I have called the canine, there is no evidence whatever of knifing. All you have there is the grain of the emulsion of the plate, and you can see it all over the plate. As to whether when I speak of the emulsion of the plate I mean the original plate or some plate that has come into existence at a later stage, it is a combination of all the plates, and, in the last analysis, the very plate that is showing ~~ix~~ this picture on to the screen. I will take another look at the spot on the nose. Looking at the rest of the slide I do not see any spot quite as large as that, but very similar - somewhat the same there. (indicated) Coming over here (indicated) you have not got a spot, you have a long type of thing. Coming here (indicated) you have a different type of thing, the light is coming through. There is no emulsion there. The whole of the plate is full of them. The spot on the nose would possibly be in approximately the centre of the photograph. In my opinion that would be the last spot in the world where I would put a pin, because I would get a shadow of the pin thrown across the photograph.

TO THE CORONER: My attention has been drawn to a shadow on the right hand tooth on the picture. The shadow on the extreme left of the picture can be a combination of a number of things. The subject is lit from above, and you will notice that the nose shadow comes down across the lip, just immediately above that tooth on the right hand side of the picture and that may be a combination of lip shadow plus nose shadow. I am talking about the subject's right hand side.

TO MR. BARRY: I would not say that there is plain evidence of re-touching at the spot where Mr. Monahan is pointing. As to a description of what I see, that is the ill-defined margin of the tooth where it comes in contact with or goes behind the lower lip. So far as the left central incisor is concerned, I would say that the end of the tooth is not shown at all, it goes down behind the lip, as far as I can see. I would agree that the cutting edge of the tooth is not ~~shown~~ defined at all. It merges into the lip. There is no evidence whatever that that has been touched. There is no evidence there of any knifing. I account for the failure of that left central incisor to have a defined edge because it goes down behind the lip. I have examined all the photographs of Philomena Morgan that I can get my hands on. It is my opinion that that condition is apparent in all of them. As to knowing whether the daylight proofs which I mentioned as probably being in the possession of the New South Wales police have turned up, I had a discussion at lunch time about them, and it would appear that I have a wrong impression. The impression I have gained now is that there are no daylight proofs of Philomena Morgan other than the four that I have seen. I do not know anything now that would indicate that that impression is not a correct one. I understand that the suggestion is that all the photographs of Philomena Morgan have come from a negative which has been

taken of a photograph supplied by Mrs Routledge to Det. Wilks. I heard Dr. Benbow swear that Mr. Donkers of the "Sun" in Sydney made a photograph of a daylight print that was brought to him by Mr. Wilks. It is no good at all of you examining me on this theory of Dr. Benbow's, that taking a given point in a photograph and drawing lines to various parts of the face, if they coincide, that is at least some evidence of identity. As to whether I will not even go as far as Prof. Cherry, basically it has no foundation, therefore, in my opinion, it must be disregarded. I will agree that photographs are used by the police for identification purposes and I teach identification by photographs at the Detective Training School. The Bertillon Method is the basis of it to some extent. I agree that the Bertillon method is a method whereby you take a photograph in profile and a photograph full face and from those you are able, if necessary, to describe the face geometrically; you give a description of it.

I do not know Peterson, ~~xxxxxx~~ ^{Haines} & Webster on Legal medicine and Toxicology. ~~NEW~~ Asked whether I agree with the following passage which appears at page 72 of Volume 1 of the Second Edition of that publication - "Each subject is photographed in two poses, one showing the right-sided profile, the other a full view of the face, the likenesses appearing on the same plate, 9 x 13 cms. in size. These two views thus taken with poses as different as possible, are complementary one to the other and permit in case of need, of exact geometric reconstruction of the irregularities and protruberances of the subject, exactly as one would proceed in descriptive geometry, by means of the classic orthogonal projections", I say only in so far as it would be if the photographs were taken very soon after one another. That would not apply with regard to the contours of the face if, as I say, the person had suffered an illness, when the

contours of the face, the fleshy outlines would alter. The general structure of the face would not alter. All you could say is that it would fall within certain types. I do not know how many lines Dr. Benbow drew from defined points on Philomena Morgan's face and how many similar lines he drew from similarly defined points on a photograph of the corpse; but if he made 200 lines it still would not make any difference, because basically the principle is wrong. You cannot make measurements on a plane surface of three dimensional objects. When Dr. Benbow answers that then we may make some progress. Asked whether I mean that if Dr. Benbow were able to select a similar point on a portrait of the corpse and on a portrait of Philomena Morgan to show 200 coincidences of lines I would not concede that that was in any way evidence of identity, I say that is not my point; I say that you cannot on a plane surface show measurements of a 3 dimensional object. Applying Dr. Benbow's method here, if he is going to do anything, he must bring Philomena Morgan to lifesize independently of anything else, and he cannot do it using that as a basis. Assuming Dr. Benbow had a photograph of the corpse and a photograph of Philomena Morgan, that he took a defined point in each of those photographs and measured from that point to various points in the face and got 200 coincidences of line, that would not impress me for this reason - - - I cannot answer that question unless you will come back to basic principles, and no opinion can be given here unless we ~~are~~ are given basic principles. I cannot answer it yes, or no unless you fulfil first of all certain basic principles, and that is to bring Philomena Morgan to life-size the same as the corpse. Unless you can do that, it is worthless. If you put it to me that he has taken two photographs, one of the corpse, the other of Philomena Morgan which he has brought to what he conceives to be life-size, and measuring from a point he finds 200 points of similarity I say that it still does not prove identity. In my opinion, it is worthless.

TO MR. READ: In my opinion it is worthless because the basic principle, as I see it, has been laid down that you cannot in a plane surface measure a 3-dimensional object; and the second objection is - and I refer back here to the Ruxton case again - that you must produce a life-size figure. Now, in the Ruxton case, if I can make this clear, they had available the same studio, the same lens, the same photographer who knew the distance and the inclination of his camera, and they had materials which were supplied to Mrs. Ruxton to have her photograph taken. Then, using the original plate as a template they were able to set up the other materials in the studio at such a distance and at such a degree of enlargement that they coincided with the template. That is, the tiara that Mrs. Ruxton wore. I say that is the basis of any life-sized photograph if you have not got the actual individual. You must be able to produce it in some way. If you cannot, it is mere guesswork. As to there being any difference between the fleshy surface of a body of a child of 16, as Philomena Morgan was when these photographs were taken and a woman of 23 or 24, in my experience, it is sometimes very hard if you see a child of 12 to recognise that person when they have grown to 25. That applies from 16 to 25. I agree that Mr. Barry asked me about two things that I found on Exhibit 20 which are not on the daylight proofs of Philomena Morgan (Exhibit G2), the two things being what he said was a pin hole on the nose and a finger print on the chest. I agree that I said I would not expect them to be there on the daylight proofs. If I am wrong, as I have been shown, that this was made from another proof altogether when the original proof was available to have a photograph taken of it, it may be that spots of dust which were not on the proof could have got on to the frame in which this proof was put to be photographed; and they can be explained away in any one of a dozen ways. The same thing applies with regard to the fingerprint. I would not expect

the fingerprint to be on the proof in the first instance if it was carefully handled; but the fact that the fingerprint is there on a subsequent taking of the plate does not mean anything. That covers the explanation I wanted to make.

TO THE CORONER: If dentists are prepared to say that all the central incisor teeth are the same size in all persons then it might be of some value, though even then it would be of very little value.

F. Hobley
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TAKEN AND SWORN BEFORE ME AT MELBOURNE THIS 17th DAY OF APRIL 1944.

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CORONER.

THOMAS JOHNSON QUIN on his oath saith:

My full name is Thomas Johnson Quin and I am a soldier, a member of the Australian Imperial Forces, at present stationed at Seymour Camp. I am attached to the 1st. Australian Base Ord. Depot. Prior to joining the A.I.F. I lived at Aubury and I had resided there for about twenty years. My occupation was that of a shearer. I was away shearing for practically the whole of the year. I regarded Lavington as my home. I know a woman named Lucy Collins. I first met her in approximately 1939. She was then camped on the road near Lavington. I owned a property at Lavington. I built a shack on that property at Lavington. About the end of the year 1933 I leased my property, on which the shack was built to a Mr. Hallam. Shortly after Mr. Hallam took over the lease of my property, Mrs. Collins was at the shack which was erected on my property; but there were other people besides. Prior to Mrs. Collins occupying this shack, I do not know for sure who occupied it but I think a man by the name of Boswell. At the time I bought this property in 1929, on which the shack was built, there was an iron bedstead lying at the back, and, as far as I know, it is still there. That iron bedstead was never in the shack to my knowledge. It was just an ordinary iron bedstead, The bedstead produced (Exhibit 67) is similar to the one that was on my property when I bought it in 1929. I will not say it is the one, it is similar to it. I never at any time had that bed or any other iron bedstead erected in the shack. When I left the property in about October 1933 the old iron bedstead was still lying outside at the back of the shack. It was always there, it was never used. During the time that Lucy Collins was occupying this shack on my property I never visited the shack, with the exception of the latter part of the period she was there - the last week, or fortnight, or

AT

three weeks - I visited her probably every week. I had to go and visit her there probably twice a week to try and get her out of the shack. That was in 1934. It was early in January 1934. As to whether it was at the time Hallam's lease expired, that would be 1935, would it not? It is correct that it would be 1934. It would be January 1934 when Hallam's lease of the property expired that I tried to get her out of the shack. I went to the shack when Lucy Collins was there on occasions other than during those three or four weeks when I was trying to get her out of the shack, but very often she was not there. I did go to the shack whilst Lucy Collins was there other than during that period. On the last occasion I was there I took Mr. Hallam, the man who leased the property to help get her things out. I would say that during those three or four weeks I went three or four times to try and get her out. Apart from the visits during that period when I was trying to get her out, I never went there whilst she was there. Eventually, I did succeed in removing Lucy Collins from the shack. I went to Mr. Hallam and asked him to come and assist me, that he had brought the lady there and as far as I was concerned she had to leave the place. If he liked to stick to her he could, but I was going to put her things out. He gave me a hand to take her things out and took them to his place. It was about January 1934 when I took Lucy Collins's things out of the shack into Mr. Hallam's property. Lucy Collins never came back and lived in the shack after that time. When I put Lucy Collins out of the shack she said something to me; she told me she would throw poison in the dam in the paddock. If you say that Lucy Collins has told His Worship that on one occasion I came over there in the morning when there was a strange girl in the shack and that I had a quarrel with this girl and certain things occurred, I say I was never there when there was any girl in the shack. I read that in the paper recently.

I communicated first with my Commanding Officer, then with a solicitor and then with the police, and asked to give evidence here, That is why I am here today.

TO MR. BARRY: I think the lease expired on 1st. January 1935.

The interviews I had with Lucy Collins were following the 31st. January 1935. I agree with that. I think I mentioned that before. I am quite satisfied that it was the 1st. January 1935. It is correct that in the preceding August I was away shearing at Yanco. I have not got a half brother. I have a brother. He is not a foster brother, he is a cousin but we have reared him since he was that big (indicated) He is red-headed. He is not in Sydney now. I do not know whether he is in Melbourne or not.

TO MR. READ: I am known as Thomas Quin. This was my shack.

The date of getting Lucy Collins out of the shack was 1935. I mentioned that awhile ago; it was not 1934 - it was 1935. It was after the finding of the body at Albury.

(Signed) THOMAS QUIN.

TAKEN AND SWORN BEFORE ME AT MELBOURNE this 17th DAY OF APRIL 1944.

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CORONER.

OLIVE VERONICA CARTY on her oath saith:

My full name is Olive Veronica Carty and I am a single woman residing at 1 Fitzgerald Avenue, Maroubra, New South Wales. I am employed at the Hollywood Studios at 136 Pitt Street, Sydney. I have been employed there during the past two and a half years. Mr. Kinley Larbalestier is the proprietor of these studios. To my knowledge Mr. Larbalestier is a member of the Royal Australian Air Force at present stationed at Townsville. When I first commenced work at the studios Mr. Larbalestier was the photographic operator, and there was another one as well. On the 17th March last I made a search of the records of the studio for photographs in the name of Linda Platt or Agostini. In a ledger dated September 1931 I found an entry number 6456 in the name of Miss Platt, City. I also found another entry in the same month of a re-order, folio 101, City. I produce the ledger showing the entry No. 6456. As to why they are not in chronological order, as the sitters are taken each day the negatives are developed and then we number them daily. I have another entry in a different book. These are copies of the receipts issued. This is not the re-order folio, it is the duplicate receipt book. I have not the re-order folio here. The first entry there referred to the original sitting of the customer. The second entry that I speak of, showing the re-order relates to additional copies the customer may subsequently require. I have found the corresponding negatives for No. 6456, which were filed in the studio. As to the usual method in the studio before a photograph is taken, when a client comes to the studio we give them a receipt for the deposit of their order, and on the same slip of paper we write out what they are to have. That is done in triplicate. The original is given to the customer, the second copy is sent through to the gallery; and the third copy remains in the book. When the second copy is sent through to the gallery, the sitter goes through at the same time. They

are photographed, That is, the negative is exposed at the time of the sitting. We use a half plate negative usually, to take two quarter plate photographs. I have seen both the negatives (Exhibit 70) exhibited here today.

(Signed) O.V. CARTY.

(At this stage the witness was stood down pending the return of part of Exhibit 70).

TAKEN AND SWORN BEFORE ME AT MELBOURNE THIS 17th DAY OF APRIL 1944


CORONER.

CHARLES ANTHONY TAYLOR on his oath saith:

My full name is Charles Anthony Taylor and I am a medico-legal chemist, and the Government Analyst at the State Laboratories, Melbourne. On September 11th 1934, in the presence of Det. Sub-Inspector Hobley, and Det. Seg. McRae, of Sydney, I removed two sections from the sack (Exhibit 3) which was produced for examination to me as to the presence of oil on the sack. Sample "A" was away from the burnt edge of the sack. It was a potato sack. I examined that and found it contained traces of marine oil. Sample "B" was close to the burnt edge of the exhibit and I found that contained human oil and fat. The sack was a typical potato bag and in a discussion with Mr. Hobley with regard to photographing the letters "D.A.L.M." with regard to getting a good contrast, I thought it would be a good idea to lightly wash the sack with a soapy solution to get the jute material lighter and get a better contrast for photography. That was done, On sample "B" which was an area close to the burnt edge of the bag there was no trace of kerosene or petrol whatever. Petrol would evaporate in a few hours, and kerosene certainly in 24 hours.

At When I examined it on the 11th September 1934, I was not able to detect any smell of either kerosene or petrol on the bag, nor find any traces of it. On the 8th April 1944, I examined the inner surface of the suitcase, (Exhibit DD) I found the remains of white paper existing in two separate places on that suitcase. One area was about 8 inches by 5 inches and the other area was about 5 inches by 3 inches. I examined the material used as an adhesive to attach the white paper to the brown suit case lid, and found that in the larger patch it was a starch paste and in the smaller patch it was a gum adhesive.

at TO MR. BARRY: Flour ^{and} water is a starch ~~we~~ paste. I am of the opinion that the other adhesive was a gum acacia - a wattle gum.

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TAYLOR.

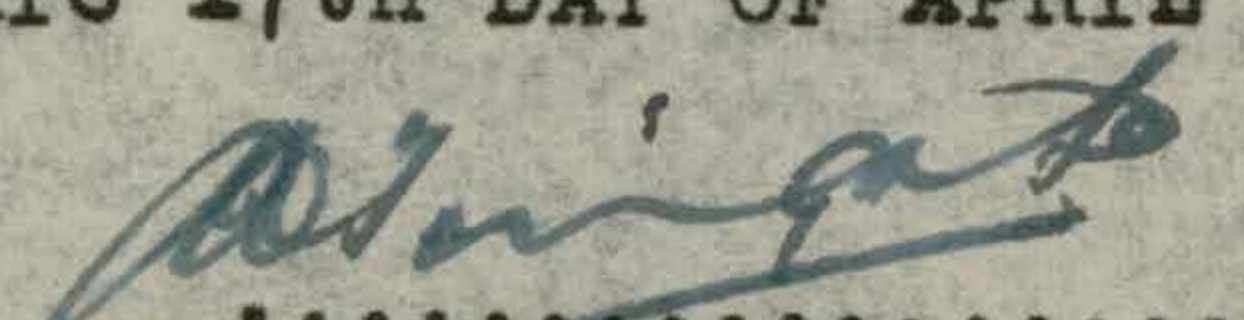
As to how I found that out, I examined it with a microscope, and tested it with an iodine solution. Gum acacia is the gum that is frequently stuck on the back of labels. I said that some of this oil was marine oil. Marine oil is an animal oil with a fishy odour, used in the bag weaving places for the threads to pass through the machine. It is shark oil or whale oil. At ordinary room temperature in about the month of September kerosene will evaporate in 24 hours. In the course of my life I have lived under circumstances where I have used a kerosene oil lamp. I have not had the experience of knocking it over. If you suggest that it takes at least a week for the odour of kerosene to get out of a room, I say it depends on how much oil there is, where it goes, and how far it soaps in. It depends upon all kinds of things. I had something to do with the examination of the initials on the towel. I had a look at them, but I could not decide what they were. Mr. Hobley and I combined for the purpose of bringing up the initials by infra-red photography. I did not come to the conclusion that they were "R.C.O." I have no notes on what I did in 1934. I am trusting to my memory. As to having no record of what I did in regard to this case in 1934, I have copies of the reports I submitted. I have not looked at those lately.

TO MR. FAZIO: I stated that petrol would evaporate in a few hours. I am not able to offer any conclusive length of time, because it depends on temperature. It might be 12 or 14 hours if you include the hours of darkness in that. As to whether the odour of petrol would be distinguishable 12 or 14 hours after being put on, that would be the extreme limit.

TO THE CORONER: If the substances were burnt there would be no trace at all. With the substances burning all evidences of petrol would be gone inside half an hour, and kerosene would be rapidly dissipated. You might get it for an hour after in the extreme edge of the bag, but heat would rapidly get rid of it.

(Signed) C.A. TAYLOR.

TAKEN AND SWORN BEFORE ME AT MELBOURNE THIS 17th DAY OF APRIL 1944.


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CORONER.

OLIVE VERONICA CARTY recalled on her oath saith:

TO MR. READ: I will look at the two negatives produced (Exhibit 70), each of which has two portraits upon it. They are the negatives which I found filed away under No.6456 at the Holywood Studios when I searched for them on the 17th March this year. There is some paper pasted on to those negatives bearing the words "Platt, 6 Sepia Movie", and on the other one, the number first, and "Platt 1 Sepia Movie Panel." I cannot say to whom that handwriting belongs. I do not know the writing on the slip. That would be one of the girls in the studio. There is writing on the films. There is the name "Platt" written on this negative on the top. I recognise that handwriting, that is Mr.Larbalestier's handwriting. That is the proprietor of the studio. They are the original negatives that were filed at the Holywood Studios when I was asked to produce them on 17th March 1944.

TO THE CORONER: I handed them to Det.Barnes.

TO MR. BARRY: We were asked for the negatives by the police on the 17th March. Some member of the Police Force came and asked me. It was Det.Serg.Barnes. He came along and asked me. I am in charge of the books and the money, and I relieve at operating. I was not there in 1931. I joined Holywood Studios approximately two years ago. I never saw Miss Platt. As to whether I was told that the purpose for which these negatives were wanted was connected with the Pyjama girl case, we anticipated that the police would be in for them. We knew we had them, the photograph was published in the paper from a copy. We did not supply the original photograph in the paper. When the photograph was published in the paper someone from the studios recognised it as one of our portraits. As to how that is done, there are certain types of photography; you can usually pick your own work, and also pick the work of other photographers you know. Some of those negatives are touched up. As to when that has been done, the proof retouching is done before the daylight proofs are made, and then when the

client decides on the position he intends to order from then we fully retouch the chosen negatives. As to whether the daylight proofs are not retouched to remove blemishes, only outstanding blemishes that might be shown on account of the strong lights. When I say outstanding blemishes, sometimes ~~lights~~ lines show up, and people do not like to see their own lines in a photograph, so we soften them. As to whether we would not remove a mole, if a mole were in a very conspicuous place, I think it would depend on the retoucher, if she thought it was marring the photo she would retouch it. We have had an occasion where a retoucher has removed a moustache when she was not sure that it was a moustache. As to there being any evidence of a mole on the negatives in Exhibit 70, I would not like to commit myself about a mole being removed, I am not a retoucher. If you suggest there is a mole that has not been removed, I can see a spot here on the face. If you suggest that there is no indication in the daylight proofs produced of the existence of a mole which has not been retouched out of the negative, I say that is quite possible, a retoucher might remove that. As to whether the retoucher has not retouched the negatives to remedy that, the proof retouching has been done. If you compare these negatives you will see on two of them, the two which have the corners clipped - they are the negatives from which the client has ordered - ever so much more retouching than on the other two; but there is still slight retouching on the other two. As to whether the retouching on the other two has gone to the extent of removing the mole, I will leave that for a retoucher to say. I am not a retoucher, I do not know.

TO MR. READ: Looking at the four photographs produced, Exhibits 16, 17, 18 and 19 there are some marks on the left cheek. You can see it slightly on exhibits 16 and 17, which are the two fully retouched negatives, and you can see the marks

much more plainly on Exhibits 18 and 19 that have been only
proof retouched.

(Signed) O.V. CARTY.

TAKEN AND SWORN BEFORE ME AT MELBOURNE THIS 17th DAY OF APRIL 1944.


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CORONER.

EXHIBIT "U2" Judgment of Supreme Court of New South
Wales - Certiorari.

FREDERICK HOBLEY, Recalled:

I would like to point out here that the degree of enlargement from a negative of this size (Ex. 90) made by the type of camera that was used and the quality of negative material that this is does not enable the hand to be brought to that size in the enlargement with any degree of definition that is reliable.

EXHIBIT NO. 90 Negative of photograph Exhibit "Y".

Therefore I say that this enlargement (Exhibit "Z") cannot be relied upon in any way to help you, apart from any other consideration of three-dimensional measurements.

(SIGNED)

F. Hobley
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TAKEN AND SWORN BEFORE ME AT MELBOURNE THIS 17th DAY OF APRIL, 1944.

A. S. ...
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CORONER.

lower edge has not quite been filled in. I should say that the retouching has filled it in in the other two negatives. The retoucher has filled it in and not removed it. Removal in the case of a negative means actual physical scraping or reducing, taking it right away; but in retouching it is filled in with lead pencil. To make it print whiter in the print it is necessary to make it assume the tone next to it, and it is done by putting something on and not taking off. I definitely see indications of lead pencil on these negatives. It is quite possible that under a sufficient magnification you would be able to recognize grains of graphite. I have not done that. I look at the right arm of the subject in Exhibit No. 19. Asked if I can see any indications of destruction or anything that resembles a finger-print or the condition that I found in the other negative on the right arm, I see on the edge of it what looks like some sort of skin defect that has been retouched or marked or attempts have been made to remove. I look at the negative from which that is taken. That appears on the negative. There is certain evidence of marking on the edge of this negative. Unfortunately it does not look like a finger-print. When I said "unfortunately" that is a wrong choice of words again. I am not prepared to say just exactly what that is. I said I have acted in an advisory capacity to the Air Department. I have not read a book by Major C.A. Hart, "Air Photography applied to Surveying", a 1943 publication. I do not know it at all. Leaving aside the stereoscopic pictures, in fact the Air Force does make use of photographs for the purpose of seeing what it wants to attack and seeing the effects of its attacks. I am not aware that highly skilled surveyors and mathematicians are able from the plane surface revealed in an aerial

action of the developer it is possible for you to get an image in relief. That is made use of under certain circumstances. Asked how under those circumstances I would determine by examining it under a microscope whether the image is in or on the negative, I say as far as this plate is concerned there is every appearance actually of cavities where the stuff has been literally removed. That is definitely the actual removal of part of the physical structure of the negative. That very definitely does not ordinarily happen in the process of developing. I look at Exhibits 16, 17 and 18. In photograph Exhibit 18 I see definite evidence of a mole on the left hand side of the face. I would say there is definite evidence of where it has been and where it has been removed or filled in by retouching in all of the prints. In one there is an ink mark just about where it would be, which makes it a little difficult. If it is suggested that in the daylight proofs of Linda Agostini (Exhibits 42 and 43) there is no sign of any mole, I say these proofs are in a state that I would not care to state very much about anything. There is no evidence here, but as I have pointed out these proofs are not in a good state. I do not want to put them under a microscope in order to form a view. I would say that as those prints stand at the present moment there is no indication of a mole. I look at Exhibit 70. The mole is definitely shown in one of these negatives. That is the negative which corresponds to the print in which it is in, that is print No. 18. I consider there is definite traces of it showing even through the retouching in this one, which is the negative of No. 16. In the case of No. 16 I consider I can see an unfilled clear space, the edge of the mole. In other words, the mole is represented in the negative by a clear space, and in the retouching the

prints. I examined it this morning, at the Police Headquarters, in a binocular microscope. In my opinion, definitely they are markings on the surface of the film. I am not qualified to state what other people might consider they are. Asked whether I, as an expert, would consider that the appearances I saw might reasonably be interpreted by any other observer as a finger-print, I say it depends entirely upon the opportunities the observer has had of observing negative markings. If the person observer is a person who is skilled, I should say he could come to only one conclusion on the evidence, that when magnified sufficiently those things are surface defects. I should say the only conclusion he could come to is the conclusion I have expressed. When I say "surface defect", I mean a defect in the actual negative as a result of handling; it gives definitely that appearance to me. That is a partial destruction of the physical structure of the negative. Portions of it are missing, in other words. It gives every appearance that portions of it have been pulled out by some tacky substance. I personally am not qualified to answer the question of what happens when light strikes the plate in the process of making an image on a photograph plate, and I do not think you will find the answer to that in any text-book. It is still a debatable point what causes the change in the latent image and actually what effect the light has on that silver bromide. From our point of view, the actual action is that it puts the silver bromide crystals into a state where in subsequent development they can be reduced to metallic silver. Asked whether it ever happens that when developing a picture if you hold it obliquely you can see that there are appearances of excavations on the finished negative, I say that during the process of developing owing to the selective hardening

unexpected marking on the left arm as depicted in one of the negatives. It is difficult to say whether that marking is reproduced on Exhibit 17 without making an examination of that print under an intense light to see if those markings are in the black area as well as on the arm. There are markings visible on the arm. One requires a strong light to see if there is any trace of those markings continuing. I could not give a definite statement until such time as I did that. The markings which are shown on the negative do not seem to be in approximately the same position on Exhibit 17. I would say that the markings on the arm here are lower than the markings on the negative - a great number of them in any case. On the assumption that that photograph Exhibit 17 was developed from the negative Exhibit 70 and that the markings were on the negative at the time the photograph was made, then those markings should appear in that photograph. I agree that if the markings were on a finished proof and that negative was a photograph of the finished proof, then the size of the markings as they appear on the negative would be reduced. Correspondingly, if the markings were on the original negative they would also appear in an enlarged form on this print. On a further examination of that negative the marks proved to be on and not in. Under the microscope at about 80 magnifications they are visible as a series of pits on the surface of the negative. In my view that does not necessarily mean a defect in the material of the negative. The original negative may have been perfect. From the appearance of this negative it looks as if something sticky or tacky has been placed on it and pulled off pulling portion of the emulsion with it. They definitely do not resemble in any way finger-prints. I have examined them to see whether they resemble finger-

18th April

LOUIS BAILLOT, Recalled:

TO MR. BARRY: The process of taking a photograph consists of exposing a sensitised plate or film to light via a lens. That results in the impression on the sensitised plate or film of the image on which the lens is focussed at a particular time. That plate is then taken and developed under darkened surroundings with a suitable chemical compound; the image from the plate in that way is transferred to a substance prepared to receive it. The product may be either a daylight print which is an impermanent record of the photographic image or a permanent print which is known as a finished proof. If you take a photograph on a plate and develop it in that fashion and then take your finished proof and in the process of holding your finished proof allow a finger-print to get on it, and then photograph that finished proof, it is not strictly correct to say that you will find that finger-print in the negative which is used for the purpose of taking the photograph of the finished proof. If the fingereprint which you make on the photograph is a stain mark such as ink, chemical or anything that will leave a distinct impression that can be seen, I would say that the finger-mark would appear. On the other hand, if the finger-mark consists of simply the ordinary grease that comes off a finger without any stain product, it is extremely unlikely under the conditions used for copying, which mean flat light, that that fingereprint will show at all. I would say that if the finger-print is visible to the eye on the print it will undoubtedly be present in the photograph of the finished print. If the negative which is used to take a photograph of the finished proof is smaller in size than the finished proof, I agree the finger-print will be correspondingly reduced. Looking at Exhibit 70, I see an

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