

[The Age](#)

[Breaking News National](#)

A shadow is lifted from a family's heart

Jeff Turnbull

October 18, 2010

AAP

Betty Everitt grew up with a dark family secret that was never discussed, not even among family members - her uncle had been hanged for raping and murdering a little girl.

As a young girl, Mrs Everitt, then Betty Ross, had come across a photograph in the family bible of a man who looked like her father, but was in fact his brother, Colin Campbell Ross.

Years later, while visiting relatives, she saw a yellowing magazine clipping, with the same photograph, reporting on the hanging of Mr Ross, 26, in the Old Melbourne Gaol in 1922 for the rape and murder of 12-year-old Nell Alma Tirtshcke.

Advertisement: Story continues below

Betty had never mentioned her discovery to her father Stanley and he never spoke of his brother, but she had grown up thinking a murderer's blood was running through her veins.

Mr Ross, who maintained his innocence up to the moment the gallows floor opened under him, was cleared of the murder in May 2008 after 17 years of dogged research by author Kevin Morgan.

Mr Morgan had come across strands of hair in the prosecution files which had been a vital piece of evidence that had sealed Mr Ross' fate.

The hair had been found on a blanket in Mr Ross' accommodation and was identified in court as belonging to Nell, but modern day forensics proved otherwise.

With a Petition of Mercy from the Ross and Tirtshcke families, the case was re-opened in 2006, and Mr Ross was eventually proved innocent and pardoned for the crime.

In the Old Melbourne Gaol on Monday, Mr Ross' ashes, which had been buried in a mass grave, were handed back to Mrs Everitt and her sister, Pat Spencer.

They will be laid to rest next to the grave of his mother, who had pleaded unsuccessfully to the government of the day for her son's remains.

"A shadow has been lifted from my heart," Mrs Everitt told AAP.

"I thought I had the genes of a murderer until Kevin proved his innocence.

"You can imagine the wonderful relief I felt."

She said her parents never said a word about her uncle.

"Not a soul had ever said a thing about him," she said.

"When I found out I never said anything, you just didn't in our generation."

Victorian Attorney-General Rob Hulls, who handed the ashes over to the family, said the tragedy highlighted the injustice of the death penalty.

A shadow is lifted from a family's heart

"It is tragically, heartbreakingly irreversible, even when doubts about a conviction emerge," he said.

It took just 115 days for Mr Ross to be charged and tried, and then make an appeal, before being hanged.

Mr Hulls said little Nell's death remains "sadly, and perhaps forever, unexplained".

Mr Ross is the only person in Australia to have received a pardon after being judicially executed by the state.

© 2010 [AAP](#)

 Brought to you by

[Close](#)

Also in Breaking News National:

[Top Victorian cop mulls legalising drugs](#)

The public should decide if drugs should be legalised, Vic police Deputy Commissioner Sir Ken Jones says.

Also in Breaking News National:

[Motorcyclist dies after crash with 4WD](#)

A motorcyclist died after a collision with a four-wheel drive being driven by a 92-year-old man in Sydney's northwest, police say.

Also in Breaking News National:

[Police say man tricked woman to have sex](#)

A man who contacted a Perth woman via the internet and tricked her into having sex with him has been charged by police.

Also in Breaking News National:

[Gillard flags NATO talks on Afghan war](#)

Prime Minister Julia Gillard is considering a personal appearance at NATO talks next month on the future of the Afghanistan war.

Also in Breaking News National:

[How Sydney techies created Google Maps](#)

The Sydney-based developers of Google Maps have been recognised for their outstanding entrepreneurship and contribution to the industry.

Also in Breaking News National:

[NSW students to be offered ethics classes](#)

Ethics classes will be introduced to schools in NSW by next year under a proposal the state government is expected to adopt.

Also in Breaking News National:

[Bite of the first cherries comes at a cost](#)

The season's first cherries are up for grabs at Sydney Markets but the privilege of taking a bite comes at a cost.

Also in Breaking News National:

[Bungled batts would 'scare' public](#)

Authorities have defended the decision not to reveal how many homes inspected after the bungled pink batts scheme were unsafe.

A shadow is lifted from a family's heart

Also in Breaking News National:

[Metalwork causes fire at Vic school](#)

Three teachers and four students were taken to hospital after a fire broke out in a metal workshop at the Nunawading Christian College.

Also in Breaking News National:

[Vic Libs, Labor bomb out on environment](#)

Less than six weeks from an election that will see an unprecedented push from the Greens, Vic's major political parties have bombed out on the environment.