



Transcript
13/04/2000 8:00

The Hanged Man's Shadow

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Researcher:

CAROLINE JONES: Hello I'm Caroline Jones. There are certain crimes so terrible that they seem to haunt us down through the generations. Tonight's programme is about a murder, which rocked Melbourne in the 1920's.

Now a new shock emerges because it appears that the wrong man was hanged for the crime. This only came to light through the tenacious efforts of a former librarian who spent the past seven years gradually uncovering the long buried truth about the "Gun Alley Murder." This is Kevin Morgan's story.

KEVIN MORGAN: Alma Tirtschke's body was found in a lane called Gun Alley at 6 am. on the 31st of December, 1921. This sort of crime was unheard of. This little girl was plucked from the city streets in broad daylight and whilst wearing her school uniform on an errand for her Aunty.

There was a great sense of outrage. A sense of how could this have happened. Much soul searching throughout the city.

DIANE GARDINER, Old Melbourne Gaol: Centuries are just full of horrible examples of murders. But it's the worst case scenario isn't it a young, innocent girl and then she's murdered. People want a result and they want it quickly. They want a scapegoat and it's nothing like a huge newspaper coverage and things can get out of control. It almost becomes self-perpetuating. It gains a momentum that is hard to stop and people don't like to lose face and I think there was a lot of that in the case.

KEVIN MORGAN: Such was the level of outrage in the community and this was mirrored in the newspapers, being lead by the Herald, that when at the end of the first week of the investigation, no new leads had been uncovered, the Press and the public, began to clamour more and more for an arrest. Criticisms were also levelled at the Government and so there was also Governmental pressure now on the Police to get an arrest at any cost.

After criticism in the newspapers the Government finally raised the reward from two hundred and fifty pounds to one thousand pounds. The Herald also put up a reward of two hundred and fifty pounds.

Both Senior Detective Piggott and Senior Detective Brophy had a great deal riding on this case. Both were considered the leading detectives of their day. Piggott and Brophy had their backs to the wall because the clues simply weren't there in the lane. By the standards of their day, they technically broke no laws. They pushed themselves and the legal system to the wire to get someone.

The autopsy indicated that Alma Tirtschke had been raped, strangled and her body was dumped in the lane. The position of her body was approximately 90 metres from the Little Collins Street entrance of the Eastern Arcade and Colin Campbell Ross had his wine saloon just two doors into the Eastern Arcade from there. The Saloon certainly had a very poor reputation with the police and with folk in that part of town. Colin Campbell Ross was an early police suspect. Not only because of the sloppy wine saloon that he was running but also because he was involved in a shooting incident about two months earlier. He was subsequently acquitted. Colin Campbell Ross was charged with the murder, convicted and later executed at the old Melbourne Gaol on the 24th April, 1922.

My research into the Gun Alley crime began seven years ago when I saw an exhibition of paintings and drawings by the well-known Australian Artist Charles Blackman. Certainly these drawings and canvasses were haunting. When I saw the reference in the Catalogue to the murder of a school girl at the Old Eastern Market in 1921, I was curious to learn how Blackman himself had been sparked or inspired or influenced by this terrible crime to create such moving works of art. And so I began to research it.

In the State Library I found two pamphlets. One of them was written by Colin Ross' Barrister, Thomas Brennan.

LINDA TARRARAN, Kevin's wife: Kevin has been passionate about his research and about the case and I think that's because as he was going along he would come across information, which would lead to more questions.

KEVIN MORGAN: And I was deeply troubled at the way its principals, Alma Tirtschke the schoolgirl victim and Colin Ross were being portrayed.

LINDA TARRARAN: It wasn't long before we realised that there was a number of justice issues within the case and that that was very important to be documented. And I think that was the driving force. So if it was going to take five years, it was going to take seven years, that was okay, because we had talked a lot together, and we had decided that, until we can see this thing through, then it was worth pursuing because a man lost his life and a little girl had hers taken away from her.

KEVIN MORGAN: On the last day of Alma's life, she was sent on an errand to a butcher's shop in the City. And the neatest set of clothes she had to hand was her school uniform. The mushroom shaped straw hat, an overall tunic of navy blue serge and a white blouse, which she wore under it. She set out about mid-day through the Fitzroy and Treasury Gardens. Walked to Swanston Street where the butcher shop was and then was returning through the area where the Eastern Markets were located. There were witnesses

who saw Alma, and saw that she was in a very distressed and agitated state. They saw her drop her parcel in Little Collins Street and pick it up again. When they looked back a second time to see where Alma was, she had vanished. She was gone.

DIANE GARDINER (Old Melbourne Gaol): It's a horrible case. It's not a topic I like to deal with. Murder is always a very difficult topic to deal with, and the murder of Alma, of a child, with the sexual assault; I was never going to deal with the case. Kevin is a very formal gentleman and somehow or other he'd found out that I had the information on the people who'd been hanged here and I just thought, oh more people wanting more information about whatever... oh yes I'm sure I can help him.

KEVIN MORGAN: In fact there was almost a sense that as I progressed, I really don't want to be the one to have to write this, it is too convoluted. And yet by the same token there was also a feeling that if these things have become open to me for me to see them then I had some sort of a duty to place these things on the public record. Because in 80 years they have lain hidden. And if I don't bring them out will they lay hidden for another 80 years?

The Crown alleged that Colin had raped and strangled Alma Tirtschke, wrapped her body in a blanket and took Alma Tirtschke's body from the saloon to leave her body in the easement of Gun Alley. The Crown alleged that hairs on the blanket that they recovered from Colin's house were those of Alma Tirtschke. The Crown alleged further that Ross had made two confessions. One to a prisoner, Sidney John Harding and another confession to his former barmaid, Ivy Matthews. Matthews receiving a reward of two hundred and fifty pounds and Harding three hundred and fifty pounds. And that was a huge sum in those days. It's important I think to note that Colin Ross never had any history of sexual offence. His official prison record indicates nil convictions.

KEVIN MORGAN: Colin Ross had a strong supportive family environment. He was living at home with his mother and elder brothers. So he grew up very much with the rough and tumble of older fellows around him.

The criminal trial brief was a crucial file in my research. But it was a closed file. I managed to get access finally after proving that access to it would be in the public interest. I remember vividly taking out the old fragile documents and I found between the pages an envelope. I lifted the flap and within it, within the envelope were the three specimens of hair, the actual forensic evidence that was presented at Ross' trial.

DIANE GARDINER: It's the most phenomenal case. Everything that shouldn't be there is there. The hair samples shouldn't be there. It's just bizarre that they've survived because so many artefacts don't and these are the crucial artefacts. It's a million to one and he did it. He was at the right place at the right time. It was.. it really was Colin sort of directing his hand and inspiring him I suppose to keep going.

KEVIN MORGAN: Certainly the discovery of the hair was in a sense a direct contact with the principals in the case, most especially Alma Tirtschke. There was also a sense of

what could this mean for the verdict in this case.

Intellectually against Piggott and Brophy, Ross was at a disadvantage.

Re-enactment based on police evidence

(Actor) Detective: Just got a few more questions to ask you Ross. Where did you have lunch on Friday?

(Actor) Ross: At home.

Detective: What time did you get in the wine bar that afternoon?

Ross: About 2 o'clock.

Detective: You lured the girl into your bar.

Ross: That's a lie.

Detective: You gave the girl some wine in your bar Ross.

Ross: That's a lie.

Detective: We have witnesses who said they saw her in your bar.

Ross: That's a lie.

KEVIN MORGAN: It was very difficult for him to come to terms with the allegations that were put to him in particular the allegation that hairs found on a blanket in his possession matched those of Alma Tirtschke. His only way of coming to terms with this was to suggest that the police, in particular Senior Detective Piggott, had framed him. The two principal victims of this crime Alma Tirtschke and Colin Ross, their innocence is contingent one upon the other.

The school that Alma attended was the Hawthorn West Central School and so I contacted the school to see whether or not they might have any records from that period. To my great surprise they had records going right back to the 1860's. Again there was a sense that a window was opening into the world of 1921 and in particular, into the life of this young student. All her schooling was recorded there along a single line in the Register, culminating in the final column, which was curiously headed "Destination" in the event a student should transfer to another school. But in that column, no transfer was recorded, only the word "Deceased". It was a perfectly accurate record of a young life cut tragically short.

All the information that I had researched was totally at odds with the picture of this child, drawn by the Crown's case. This was one of the most acute and powerful pointers to me that there was something very wrong with the Crown case. There was an injustice here not only in terms of the outcome of the trial for Ross but also for the little victim of this crime, Alma.

LINDA TARRARAN (Kevin's wife): I think Kevin is lucky in the sense that he can think laterally. So whenever there was a roadblock there'd be always another way that he would work through in order to find information. And he wasn't satisfied until every stone was turned over and he found the material that he was seeking.

KEVIN MORGAN: I am just a librarian. I was doing this independently and quite without regard to finding along any particular course. But as to the full significance of what the hair specimens meant, I think that came with time as I progressed and found that all the other evidence that the Crown had gathered against Ross was riddled with inconsistency and contradiction until I finally realised that the only evidence remaining is this question of whether the hairs really matched.

This trial marked the first time that comparisons of hair had succeeded in getting a conviction in Australasia. Certainly the evidence of the hair sealed Ross' fate in terms of the expert opinion given by the scientist of the day, Charles Price. If the jury had any doubt about the testimony of the witnesses, the hair evidence sealed Ross' fate.

After I discovered the hair samples I knew that the next step was to get them tested. There were two scientists involved in this. Dr. Bentley Atchinson who attempted a DNA test, which proved inconclusive and so, we decided that the hair samples should be sent to Dr. James Robertson of the Australian Federal Police, Canberra.

DR. JAMES ROBERTSON (Federal Police): In a nutshell the hairs from the blanket, in my view, did not come from the deceased.

It's fascinating to think what might have been going through the mind of the examiner back in 19..in the early 1920's. But I think probably if they fell into a trap. it was that they probably didn't understand what significant differences were and what the sort of variations that can exist between people. In any event I'm sure that they got it wrong.

Dr. Robertson: Well again this is another of Tirtschke's hair here much darker while again you can see down the centre there it continues...

KEVIN MORGAN: Charles Price, scientist for the Crown, was under enormous pressure I believe to give an opinion favourable to the Crown. And of course because he did, in a sense he brought forensic science into the courtroom. This being such a notorious murder case the eyes of all Australia were on it.

DIANE GARDINER, Old Melbourne Gaol: I suppose it's even more poignant in the respect that it's the use of forensic evidence, it's the first case to use it, and they get it wrong. That's just incredible. And he must have felt that everything was against him. Science was against him, society was against him. There was just.. even the people inside the jail, you know, one of his fellow prisoners dobs him in; everything's against you.

KEVIN MORGAN: As soon as he was remanded Ross called out in the court "This is a

great country" because he simply couldn't believe that the justice system was going to do this to him. His alibi was absolutely watertight. The legal system was very different in 1922 to what it is today. A five-day trial, which was what the Ross Trial was, was considered a very long trial by the standards of the day. And when the Defence were presenting their evidence, it was one of the pressures on them that they should be expedient wherever possible. The jury was drawn from the Melbourne community. It would be impossible for them not to have been swayed or influenced by the reports in the newspapers. Certainly this is the first case in which it could rightly be said trial by media occurred.

KEVIN MORGAN: On the 25th of February 1922 sentence of death was passed on Colin Campbell Ross. There were appeals. As the appeals process ran out Ross was sent to his death. Colin Ross was charged, tried and executed within a period of only four months.

I've been very fortunate in having been able to trace and locate the descendants, including those of the Ross family, in return each group has asked me that I preserve their privacy and so for that reason their identities can't be revealed.

LINDA TARRARAN: I've been fascinated with Colin and just how he reacted through that. It must have been such a terrible time for him and his family. The letters in the Bible that Kevin has found have just shown such an insight into Colin and the man that he was and the person that he was.

KEVIN MORGAN: He marked those passages of his Bible in which he saw a reflection of the events that had happened to him. How liars had conspired to rise up against. How he had been slandered by evil men and women.

DIANE GARDINER: He's desperately trying to prove his innocence. It's going to be his link with posterity. He's going to.. someone's going to find it. Someone's going to see what he's saying to us from the other side. And that's what Kevin's done.. he's found the Bible. Of course Colin's family have seen the Bible and they've treasured it and they've seen his communication to them that he's trying to say, "Look I am innocent".

Letter from Aunt Lily

My dear brave lad,

I am trying to screw up my courage to write you a few last lines as you wished as I am not brave enough to accompany your Aunt tomorrow.

LINDA TARRARAN: The letter from Aunt Lily was very touching. I think I was nearly in tears when I got to the end of it because it would be something very difficult to write to someone knowing that their life was going to be taken away. I mean what could you say.

Letter from Aunt Lily

I am sorely tempted to ask is there an Almighty who permits this awful sacrifice of an

innocent person but I must not..

DIANE GARDINER: Kevin's research he's just touched on the human side. Again and again he's just found these wonderful artefacts that bring it alive and just show the suffering of not just Colin but his family. It doesn't just affect the person who's hanged. It affects the family for generations.

KEVIN MORGAN: Certainly the Ross family descendants are very relieved and what they have expressed to me is that a shadow that was present on their family and on their lives even to this day has been lifted.

Letter from Colin Ross

Goodbye my darling mother and brothers. On this the last night of my life I want to tell you that I love you all more than ever...

KEVIN MORGAN: With only hours to go before his execution Ross took the time to write a final word to his family.

Letter from Colin Ross

... Dear ones do not fret too much for me. The day's coming when my innocence will be proved...

KEVIN MORGAN: At the outset neither Linda nor I would have imagined that this would be the outcome - that an innocent man was sent to the gallows.

Letter from Colin Ross

...Goodbye all my dear ones. Some day you'll meet again your loving son and brother. Colin.

Ross was not alone in declaring for the public record that his innocence would one day be proven. It was only a matter of time.

Kevin Morgan is organising a "Petition of Mercy" to try to get Colin Ross's conviction quashed posthumously. Victorian Attorney General Rob Hulls says he is "more than happy" to consider any new evidence.

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