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Murder, rape pardon for Colin Campbell Ross 86 years late

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AAP

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THE Victorian Government will today posthumously pardon a man hanged 86 years ago for the rape and strangulation of a 12-year-old girl.

In a move that will create legal history, Victoria's Governor David de Kretser has signed a pardon for accused killer Colin Campbell Ross.

Premier John Brumby, speaking on 3AW radio today, confirmed the move.

Mr Brumby said the pardon follows irrefutable scientific evidence that Ross could not have committed the murder.

"It's always been the subject of a lot of controversy and it's really in more recent years that science from 1998 on, forensic science (has) been able to prove conclusively that the hairs which were part of the evidence, ... were not those of the victim and that was a major part of the prosecution.

Mr Brumby said the request for a pardon had been a joint request by both Ross' and the victim's families.

Ross, 28, who ran a wine saloon in the Eastern Arcade in Bourke Street, was alleged by the Crown to have given Alma Tirtschke alcohol before raping and strangling her in Gun Alley, off Little Collins Street, on New Year's Eve, 1921.

He went to the gallows the following year protesting his innocence, the only physical connection between him and the crime being hairs on a blanket at his Maidstone home that the jury was told came from the scalp of the victim, Fairfax reported.

Witnesses had sworn to seeing Ross at work or on a tram at the time of the murder.

Modern testing of the hairs has since found the hairs did not belong to the girl.

The pardon follows an inquiry into the case by Supreme Court judges Bernard Teague, Phil Cummins and John Coldrey, which found Ross was the victim of a miscarriage of justice.

The inquiry came about after descendents of Tirtschke and Ross signed a petition of mercy after learning of the re-testing of the hair samples.

"This is a tragic case where a miscarriage of justice resulted in a man being hanged," Mr Hulls said.

Miss Tirtschke's niece, Bettye (Bettye) Arthur, said Alma's murder deeply affected her mother, two years younger than Alma.

"It is a tragedy for everybody that the actual perpetrator was not caught and an innocent man lost his life."

Ross' niece, Betty Everett, said her parents did not tell her of the case but she found out when she noticed a striking resemblance between Ross and her father in a magazine article years later.

"I have lived with this fear and doubt for most of my life, the more as I began to have children, that perhaps I carried the genes of a murderer. That shadow has gone," she said.

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