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The tragic passing of John O'Neil : [a complete file of cuttings from the Perth 'Daily News' reporting the trial of George William Auburn in the Supreme Court of Western Australia for the murder of John George O'Neil : 10th June 1924 - 10th July 1924].

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THE TRAGIC PASSING OF JOHN O'NEILL

INVESTIGATING THE MURDER CHARGE

George William Auburn In The Dock

The First Day's Proceedings

Address Of The Crown Prosecutor

Not for a great number of years has the public mind of Western Australia been so disturbed as the result of a murder case than it has in the charge which was preferred against William George Auburn in the Supreme Court to-day. As evidence of this, a large crowd—mostly men—gathered in the Government Gardens early this morning in order to secure seats in the public gallery of the Court when it was opened. The trial gives every promise of being a long one, for the official list shows that 53 witnesses are to be called for the prosecution, and it may be taken for granted that a number of witnesses will be put up for the defence.

The jury which has been called to deal with the case has an onerous duty, and it would not be out of place to call to mind the words of the Chief Justice (Sir Robert M'Millan) in a recent case hinging on the present one, when he warned the public to be careful of making rash and improper statements until the jury, the legally appointed body to deal with the matter, had sifted the evidence put before it.

AUBURN'S ARRIVAL

Shortly after 9.30 a.m. people began to collect in the avenue leading to the front of the Court buildings in the hope of catching a view of the prisoner. They were disappointed, however, for a posse of police in charge of Inspector Johnston cleared them from the vicinity.

Auburn came in the "Black Maria," and among those who met him as he stepped down from its grim interior was his father. The prisoner was manacled, and strongly guarded, but had time to grip his father's arm before he was hurried to the cells. Auburn was his usual immaculate self, and he did not bear any signs of undue stress or emotion. A black serge suit was again his dress.

It is understood that the accused was brought from Fremantle gaol during the week-end, and the police van took him from the lock-up this morning. He arrived at a few minutes after 10 o'clock.

A LARGE JURY PANEL

That it was expected counsel would freely exercise the right to challenge was evident from the large numbers of jurymen who had been summoned to attend.

THE JUDGE ENTERS

Prompt at 10.30 Mr. Justice Draper, wearing the scarlet robes of a Judge in Criminal Session, took the Bench and the jury panel was checked over and Auburn brought up.

THE INDICTMENT

The Judge's associate read out the indictment, that William George Auburn was charged with the wilful murder of John George O'Neil at Claremont on April 4, 1924.

NOT GUILTY

Auburn pleaded "Not guilty" in a clear voice.

Auburn, who had lost some of his fresh color, took a great interest in the calling of the jury. Both sides exercised their right to challenge, eleven of the panel being rejected.

THE JURY IMPANELLED

The jury, selected after the Crown had challenged six, and the counsel for the accused five persons, comprised Messrs. Ellis Medcalf (foreman), John Mazza, Alfred Charles Murphy, Michael John Morrissey, Francis Walter Major, Dominic M'Ginley, Albert Mitchell, George Henry Maxwell, Horace Maryvale, William James M'Guire, Edward James Mills, and Alex M'Gee.

COUNSEL BRIEFED

Mr. Hubert Parker (Crown Prosecutor), assisted by Mr. A. G. Haynes, appeared for the prosecution, while Mr. M. G. Lavan, and with him Mr. J. F. Walsh, represented Auburn.

WITNESSES OUT OF COURT

On Mr. Lavan's application his Honor ordered all witnesses out of Court.

A LONG CASE

Mr. Parker told the jury that as the case was expected to last for a number of days and they would be locked up during that period, the opportunity would be given them through the Sheriff to secure any clothing or requisites. To the inquiry of the Foreman of the jury, Mr. Parker said the Sheriff would provide board and lodging. No relative, however, would be able to see members of the jury, and any messages would have to go through the Sheriff.

THE PROSECUTOR'S ADDRESS

At 10.50 a.m. Mr. Parker opened his address.

"In this case, the accused stands charged with the wilful murder of John George O'Neil. It is the most grievous crime known in the law. If he be guilty, he is guilty of a most foul and atrocious murder. You will not be worried about the aspect of the case whether O'Neil was murdered. I do not think the defence will question that aspect of the case. You have to determine, and it is

A Solemn Duty,

whether by the evidence to be laid before you, you are in a position to prove that the accused is the man who murdered O'Neil." He said it gave him great satisfaction in the task he had before him to find that the accused had been able to avail himself of the two learned counsel representing him, and he was convinced they would present in the most favorable manner every argument that might be made in his favor.

This was

A Case of Circumstantial evidence. Circumstantial evidence might be the weakest of all evidence on which to convict a person for crime. On the other hand it might be the strongest possible testimony in bringing home the crime to the accused. In this case they would find

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it was of the latter type. They would find if they gave close attention to the evidence that the more the details were examined into, so the more conclusive did it become that the accused committed the crime with which he was charged. If they were satisfied after giving due consideration to the evidence, that the accused was the person who committed the murder, he need hardly say

They Must Not Shrink

from giving their verdict accordingly. In cases of this kind a motive was usually looked for and motive was usually looked for when there was not sufficient evidence to convict otherwise. It was quite unnecessary to prove motive in the case of any crime. Many crimes were committed without any apparent motive, while there were many that appeared to have a most inadequate motive. Lord Coleridge, in summing up to the jury in a murder charged on July 10, 1910, said, "If the facts are clear, it would not be wise for you to seek about to find a motive. The apparent absence of a motive was immaterial." When the case above referred to went to the Court of Appeal in London, the Lord Chief Justice said that the summing up of Lord Coleridge was the most able summing up he had ever read. The jury could take it, therefore, that it would not be wise to seek to find a motive, for it was immaterial. However, they would find, on paying close attention to the evidence, there was

A Motive in This Case.

He would not take up the jury's time by going into that for the moment. They need not worry two straws about the question of motive.

He proposed to detail the story briefly starting from March 14. The accused was a friend of Miss Sadler, and he visited her place (she resided with her married sister, Mrs. Moir) also daily. About March 14, during a conversation, it was suggested making a trip to Wagin, and the accused said he would get a car and take them himself. He said he would get a car from Mr. Ford, a salesman of the Winterbottom Motor Co. When Miss Sadler asked he said it would be a Buick Six car. On March 29 Mrs. Moir received a telegram from Wagin saying her sister was ill. Talk apropos the trip took place and on March 30 Mrs. Sadler told Auburn that if her sister got any worse they would go down by car or first train. Auburn said "Don't do that. I will take you down on Saturday. If your sister gets worse I will take you down during the week." On the 1st, 2nd, or 3rd April Mr. Blackmore, a dentist's assistant, and friend of Auburn, was told by the latter that he was going to Wagin early on Saturday morning. The accused also told a man named M'Kenzie, a driver on the Osborne Paark tram, the same thing. Auburn ordered

Two Number Plates, "P.38."

He said he wanted them quickly. The same day the accused asked Miss Sadler to go to Abbott and Rich's place and get the plates because he would not be able to get them, as he would be in Fremantle that day. At the same interview, on the night of the 3rd, Auburn told Miss Sadler he would be back at their place at 8 or 8.30 next evening with the car, and would start on the trip at 6.30 the morning after.

The deceased kept his car at a garage in Hay-street, run by a man named Hynes. On April 3 and 4 two extra seats in the car were unscrewed and taken out. The car was also overhauled and about 14 gallons of petrol put in the tank, while two tins were carried in the body of the car, together with a tin of oil. The car was in good running order, having been overhauled for the purpose of

Making a Long Journey.

Two new tyres were fitted on the back and the two best tyres placed on the front wheels. By the removal of the seats considerably more room was available in the back for luggage. On April 4 Miss Sadler got the plates from Abbott and Rich, and about 7 p.m. the accused called at her

place and received them. He also at that time had with him a small parcel about two feet long and about an inch in diameter, also wrapped in newspaper. This, Miss Sadler picked up, and from the weight of it she concluded it was

A Bar of Iron.

She remarked "What have you got that for?" and Auburn jocularly said "To hit you over the head with if you don't believe yourself." Accused left with the parcel and the number plates. Before going, he said he would return in about half an hour with the car and stay the night. He was wearing a dark blue suit. He (Mr. Parker) was unable to enlighten the jury any further regarding the number plates. Inquiries had been made, but so far he had heard nothing more of them.

Mr. Parker touched upon the evidence of M'Callum, father of Mrs. O'Neill, who helped him pack the car. A heavy overcoat was put in the car, and there were also the case of petrol, the lubricating oil and the three spare tyres. These were

Preparations for a Journey.

The witness Hynes would tell them that when O'Neill left he did not keep any space in his garage for the murdered man's car, and there would not have been any space for it for some days, although O'Neill always kept his own car there. An advertising agent named Tracey was in town that night, and at 10.25 p.m. was proceeding homeward to Nedlands on his motor cycle. He would tell the jury that he noticed a car coming towards him just after passing the Subiaco entrance to King's Park, and it was on the wrong side of the road. The driver of the car slewed to the right, and then outward and as the result Tracey said something to him, and also took his number.

It was No. 3481,

which was deceased's car. Tracey could not see who was in it, but was positive about the number. A lad named Edward Collins was at a picture show at the Leederville Oval that night, and about 10.50 p.m. he crossed the road to his home. He had been in bed about a quarter of an hour when he heard a car go past the house and pull up a few yards further down the road—Vincent-street—where it was subsequently found by the police. It was left outside the premises of a man named Chinnery. He saw it there at 4 a.m. It was without lights, and at 4.40 he made an examination of it and found the number to be 3481. At about 6.30 a.m. another member of the Collins family saw it, and the boy who had heard it the previous night saw it there about 9 a.m. It was subsequently removed by the police.

They now reverted to the

Accused's Movements.

Auburn boarded an Osborne Park car at 11.20 p.m. A witness (Lynn) would say that he was at a boxing tournament that night at Esplanade Gardens. The night was so oppressive that many of the spectators removed their coats, and it was an open-air resort. Lynn caught the same tram, and the accused boarded it. Lynn said, somewhere about the Leederville Hotel. He wore an overcoat, and was close to Lynn. There was only a short distance between Vincent-street corner near where the car was found, and the Leederville Hotel, only a small block or so being between. The jury would notice that in a

statement Auburn made, he said he carried a coat. Lynn could not say where accused alighted, but there was a fish shop along the route, and the occupiers would swear positively that Auburn, and he himself admitted it, went into the shop that night. It was, they said, between 11.30 and 11.40, and he purchased some fish, paying 1s or 2s. This was important because the jury would see later that the accused said he found the overcoat on the road, because he only had 3s, and was walking from town to Leederville. At 11.50 a man named Eddy, who had known him for years, saw the accused in the Osborne Park tram, or waiting for it. The accused rode on the front platform with the

driver, M'Kenzie. He kept his hands in his overcoat pocket, and M'Kenzie could not say whether it was buttoned or not. When the car reached Osborne Park a somewhat unusual thing happened, inasmuch as accused asked M'Kenzie to see him over to the hotel where he lived, a distance of 50 yards. He

Said He Was "Crook."

M'Kenzie did see him across, but he would say he did not assist him. The evidence would disclose that accused remained standing throughout the tram journey.

On the 5th about 5 o'clock, a man employed at the Swan Brewery

NOTICED A BODY

in the river at Crawley. Through him the police were notified, and Constable Bannear, on taking the body from the water, found that it was that of a man, and that the head was battered. Tracks of motor-car were found, indicating that it had gone along the road towards the University, turned and came back, thus placing the driver's seat nearest the river. That was a distance of about 70 paces from the river, and there were distinct marks showing where the

BODY HAD BEEN DRAGGED

down. It had gone over the tracks, and somewhat obliterated them. There would be no evidence of footprints or tracks of any particular individual. He wanted the jury to remember that the driver's seat was nearest the river, as that would be important when Westana-road was being considered.

The body was identified, and a post-mortem examination held showing terrible injuries, there being ten distinct wounds.

It was arranged, said Mr. Parker, that the two Miss Quigleys were to go in the car to Wagin, and, in order to be ready, had breakfast at 6.15 a.m. on the Saturday. When at 10.50 the accused had not shown up, Miss Sadler telephoned to him, and he came along about 11. He told her he had an

ACCIDENT WITH THE CAR,

and was wearing a grey suit, because the blue one had been damaged while he was effecting repairs. He said, "If you really want a car I will hire one." That was done. A taxi-man named W. Singe, after first driving to the Osborne Park Hotel to pick up the accused's coat, set out about 3.30 with the

Party for Wagin.

The party consisted of Miss Sadler, Mr. and Mrs. Moir, the two Misses Quigley, Auburn, and the driver. The time was about 2 o'clock on Sunday morning when they got to Wagin. The coat was taken from the car and put aside by the accused. The yardman at the hotel where they stayed got the coat in the morning, and looked after it. During the day they went to the hospital, and later to Quarternaine's farm. Naturally the

Murder was Discussed

on the way down, Singe as a motorman having heard of it before he left Perth. It was mentioned at Armadale, where they contained refreshments; at the Wagin Hospital, and at the farm. On the way back, just after they left the farm, accused was told that his coat was not there, and he said he must have left it at the hotel. Mr. Allport was asked to get it, and he suggested that he send it to Perth by a car which he knew would be leaving shortly after. This course the accused agreed with. Up to this time, and even some time later, the accused never mentioned to anyone that he had

Found a Coat.

They arrived back in Perth about 9.30 on Sunday, and some two hours later accused met a friend named Holmes, who said to him, "What do you think of the murder, George?" to which the accused replied,

"What Murder?"

this despite the discussion on the way to Wagin. Shortly after, Auburn met another man, who mentioned the murder, accused saying he had only just heard of it.

On the Monday a housemaid at the Osborne Park Hotel was about to "do out" the bathroom, and saw some dark clothes in the bath in water. The accused told her not to worry about the bathroom, as he was going to

Wash Some Clothes

that got spattered with mud on the journey to Wagin. Those who went to Wagin said there was no mud. That evening there appeared in "The Daily News" a notice that O'Neil's overcoat was missing. At 8 o'clock the accused reported to the police that he found an overcoat under the West Perth subway, but that it was at Wagin. His presence at the subway he explained by saying that he had been to the pictures, but having only threepence in his pocket he had to walk to the Leederville Hotel via the subway, so as to get on the threepenny tram section to Osborne Park. That day he told M'Kenzie, the tram driver, that he was going to the police to report the

Finding of the Overcoat,

and that was the first time he mentioned to anyone but the police that he had found an overcoat.

On the same day he saw Miss Sadler, but did not tell her anything about the coat. Miss Sadler said she would only go for a drive if Auburn, who had asked her, took the two Misses Quigley. This was agreed to. Although the murder was mentioned again, there was no mention of the finding of the overcoat or the finding of the

Blood at Westana-road.

They would find that the accused ~~found~~ he made the Westana-road discovery on Monday, but he did not mention either of these facts on Tuesday. He put it to the jury, if anyone had found any possible clue, would they have kept it to themselves. They would have endeavored to have made small heroes of themselves among their particular coterie. The accused told the police he found the blood at Westana-road owing to the fact that Charlie Jackson had given him a motor bike to fix up, and he was taking it out for a run when he happened on Westana-road. A Charlie Johnson said he spoke to the accused on Tuesday or later about repairing his motor bike, and later took it along and left it at Eddy's shop for the accused. On the 13th the accused went out to see Charlie Johnson and to ask where the motor cycle was. On Monday, therefore, Auburn had not got the motor cycle, and on the following Sunday Charlie Johnson's bicycle was still out of order.

Continuing his opening address in the O'Neil murder trial, the Crown Prosecutor (Mr. Hubert Parker) said:-

On Wednesday, 9th April, Miss Sadler went to Woolloomoo, and the accused saw her off. That might not appear now important, but it fixed certain dates. Auburn called in to see Det.-Sgt. Purdue, explained the discovery of the coat, and said he had written down to Wagin to have it returned. On the Tuesday evening he asked Miss Quigley for Allport's address, and on the Wednesday told the detectives he had written for the coat. Neither a telegram nor letter had ever been received by Allport. On that day the police took a hand in the matter and sent for the coat, and had it forwarded to the detective office, Perth, through the police at Wagin. On that same day the accused saw a man named James and told him he had found O'Neil's coat under the West Perth subway. He saw Miss Sadler again, but did not mention the discovery to her or James the finding at Westana-road. He saw Blackmore at the Economic corner, and told him he had found the coat, but did not mention Westana-road. On Thursday, April 10, the overcoat was received at the police station. Detective-Sergeant Purdue was going down Roestreet, and at William-street saw the accused talking to York. He (accused) indicated that he wanted Purdue to go to the police station. He then told York about the overcoat. York said, "Who is that?" The accused said, "That is Detective Purdue."

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I Am Helping the Detectives.

I found the overcoat." No mention was made of how he found it. On the following Sunday he told York how he came to find it, telling the same story as told the detectives, about the threepenny bit. On Friday, April 11—a week after the murder—the accused went to the detective office to show them where he had found the coat. Coming back from the subway he told the detectives that he also had found the spot in Westana-road. The detectives returned to the police station and went to Westana-road. He would like the jury to bear in mind that the

Deceased and His Murderer

were the two people who knew where the murder took place, and the accused had taken the detectives to that spot. At Westana-road Auburn showed them where the car had run into the bush. The ribbon road undulated over some small hills, and in a hollow it was shown where the car had run off the road and struck a she-oak knocking the tree over, and running on for about 12 yards. The accused pointed out where a body had been pulled out of the car apparently, across about 10 yards of ground, and then pulled back. By looking at the spot they found apparently where the deceased had been pulled out of the car, placed on the ground, and where his

Head Was Undoubtedly Battered In, for blood had spurted up on to a tree, 5ft. or 9ft. high. What apparently happened was that the accused was hit while driving. They might say that the passenger was liable to serious accident to interfere while a man was driving. They had to remember that the accused was a motor expert. While the levers of a Buick car were on the right of the driver, there was a switch in the middle of the board in front, and by turning this off the car would be pulled up, the engine acting as a brake. That was apparently what happened. Upon returning to the detective office, Auburn made a statement.

(This statement is identical to the one submitted to the Coroner's Court.)

At the spot on Westana-road tracks led off to a couple of houses where attendants of the Old Men's Home resided. Those men went along that track twice daily, and it was right at the exact point. One of them would tell the Court that he at no time noticed anything unusual there. The jury knew what such roads were. All the way along could be seen tracks turning

Off Into the Bush,

and counsel ventured the opinion that the marks of a motor car leaving the road slightly were not such as to attract attention. However, the witness would say he saw nothing at all. After taking that statement the detectives told the accused they would have to visit his home and inspect his room. Auburn wanted them to do it straightaway, so that his parents would not know, saying it would kill his mother. It was after hours, and they, on arrival, were met by Auburn, sen. In the room they found, among other things,

A Blue Suit

which had been washed and not pressed. It was one of those in which what was called a jigger button was used. This button was missing from the suit. Counsel also wished to mention now that among the things found in the deserted car was a jigger

Button Covered with Blood,

which proved to be human blood. There was not much blood on it now owing to it having been in the analyst's hand, but he would swear that it was human blood. Two tailors would say it fitted to the coat, and that certain buttons on the suit were sewn on by an amateur. When the detectives produced the button Auburn remarked, "It's like it all right." He said the suit had been washed. When the jury saw the suit they would not find it in good order, because it was a mass of holes owing to the analyst having cut pieces from it for testing purposes. Auburn said they were

the clothes which he used when working on cars, and they got dirty, and he

Washed Them in Petrol and Cold Water and soap, and so cleaned them himself. Auburn was wearing a hat, and there was another old one in the room at that time. The evidence would be that he always wore the one hat.

After the visit to the hotel they returned and took a further statement from the accused relating to the clothing. After that accused was taken along to Dr. Barker, the time being 1 or 2 a.m. on Saturday (April 12).

Auburn's Arm,

the doctor would tell the jury, was what was termed keloid. It had been damaged and badly pieced up, and broke out occasionally. It would be shown that, apart from a little inconvenience, it caused no harm, for Auburn could work with it. About noon on April 12 accused went again to Blackmore and told him he had been out with the detectives, and mentioned the Westana-road discovery. This was his first mention of this occurrence except to the detectives. He also referred to the clothing, and said it was his old suit. Regarding the finding of the spot on Westana-road, he said he was out in Singe's car and

Noticed the Tracks.

Singe would give evidence that he never took Auburn along that road.

At 2 o'clock that afternoon he saw Detective-Sergt. Purdue and asked "to be allowed to go until Monday." Purdue said he could go. Auburn also said that if he were permitted to go he would give him satisfaction. This was important.

Purdue told the accused that he only wanted what was right and just, and asked accused if he meant by his remark that he would truthfully and honestly

Clear Up O'Neill's Murder.

Auburn replied in the affirmative. Purdue reported the position, and when Auburn was further asked if he intended to give satisfaction to the authorities he said he did. When it was once more repeated Auburn said "Satisfaction to you but not to me." He left stating that he would return at any time required, and it was agreed that he should return at 2 p.m. on the following Monday. At 8 p.m. on the Saturday, he told York that he found the Westana-road spot, when passing by it. He did not say how he passed it. He also told him that he had washed the suit two or three weeks before, and of the finding of the overcoat. In that conversation he mentioned that he walked out from town as he only had 3d. That confirmed what he had told the detectives.

The jury would find Auburn a person either of bad memory or an uneasy conscience, because he

Told Different Stories

so quickly one after the other. As an instance, he told the police that he located the spot on Westana-road while riding there on a motor cycle. That was at midnight on the Friday, and yet the following evening he informed Blackmore it was while he was in Singe's car—two different stories in under 24 hours.

On April 13 James went out to Osborne Park and met accused outside Eddy's shop, where he was repairing Johnston's motor cycle. As James approached he removed the belt and pushed the machine along, so his arm was not very bad at that time. He told James he washed the suit because he bumped his arm while carrying a cylinder or some other portion of a car, and the blood got on the clothes, so he decided to wash them.

Later that night he was with one James in the city, and they met another fellow who proved to be Monson. They

Talked of the Murder,

and the accused told of what had happened, and Monson advised him to say nothing more. Monson observed that it was no use going along to the detectives and becoming flabbergasted. Monson had learned by then how many times Auburn had seen the detectives. Accused accepted

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Monson's advice. The jury could see that up to that time he was prepared to talk, to say everything, in fact, but his attitude changed. First of all, he went and saw Crisp, and said he was

Suspected of the Murder,

and desired a reference to his character to allay suspicion. He told Crisp of the button and the suit, and the finding of the overcoat, and remarked that he had been helping the detectives. Also, he notified Crisp of his finding of the tracks. Crisp asked him where he was on the Friday night, and when told of the accused's movements asked him was it not possible that someone could identify him, or had seen him, or that an incident had occurred that would be worth remembering. Auburn said he had not taken that much notice. Crisp asked if there was anyone on the tram he (Auburn) could refer to whom he knew, and expressed the opinion that "surely the conductor must know you." Auburn said he did not think so, and yet the driver of that car was the man who helped him home.

On Monday, April 14, the day he was going to give satisfaction, he was with Monson from about 11 a.m. to 4 p.m., and during that time

Miss Sadler was Telephoned

at Woololoo. She was asked if anyone had been up to see her, and counsel believed she said no one had. If anyone did approach her, she was told to say nothing. At 2 p.m. he did not keep the appointment, but at 5 o'clock Purdue found him pacing up and down his office. He made then the third statement, in which he said he

Knew Nothing of the Affair

more than the statements already made, and he "could not reasonably and truthfully answer any more questions or make any further statement" than what he had already done. He also told the detective that he did not wish him to think he was "pulling their legs"; he could not truthfully say anything more. Accused told him: that when they wanted him not to grab him in the street, but let him know and he would come in. On April 18

A Warrant Was Obtained,

and he was arrested. Accused did not telegraph about the overcoat, nor write a letter about it. In one instance he said he carried the overcoat, whereas he wore it, and was wearing it for a very good reason. He did not tell Miss Sadler of such things, and counsel would point out that the night was exceedingly oppressive. The humidity was something like 86 deg., and the night was more oppressive than the average night for January, February, or March this year. Yet it was a very thick overcoat, and it was remarkable that a person did not remember whether he wore it or not.

After a brief reference to the chemical tests, Mr. Parker said that apparently O'Neil was hit twice on the head while wearing his hat. The

Blood Had Spurted

up to the hood of the car and apparently he slipped down and his head lay against the middle of the seat.

The hat was not taken from the accused until the day of his arrest. It was shown to a doctor, who found about 14 tiny spots of blood on it. He tested only five and got crystals of human blood. The overcoat, he (Mr. Parker) might mention, was not such as might be expected a person who dressed as the accused dressed would wear.

This concluded Mr. Parker's opening address to the jury, which occupied one and three-quarter hours.

THE EVIDENCE.

Joseph Julian, a Swan Brewery employe, examined by Mr. Haynes, outlined the finding by him of a body in the water near the deep hole at Crawley. It was 14 or 15 feet from the shore, with feet towards the shore. He reported to the caretaker of the Crawley Baths.

Constable Frederick James Bannear gave evidence relative to the taking of the body from the water, similar to that taken in the Coroner's Court.

THE BODY DRAGGED.

The witness, cross-examined by Mr. Walsh, said he noticed "drag" marks on the ground from the Crawley-road to the water's edge. This track just missed a six-wire and went under a two-wire fence. Both fences were parallel to the bank. It was apparent the body had been dragged by the feet. There were no clear footprints of any person having dragged the body. The footprints were not clear enough to take a cast from, and he did not know if an attempt at taking a cast was made.

Joseph Hardy, morgue orderly, told of the taking of the body to the morgue and the handing over of the clothing to Detective-Sergeant Purdue.

O'NEIL'S APRIL 4 LUNCH

Henry Cooper, taxi-driver, said he knew O'Neil, who had been on the same rank as witness. He identified the body at the morgue.

Mr. Walsh: How many drivers are on the rank?

Witness: Ten or eleven.

How many would there be on the rank all day long?—Three or four.

Did O'Neil go home for his lunch—No to the Y.M.C.A.

Did you go with him to the Y.M.C.A. on April 4?—Yes.

POST-MORTEM EXAMINATION

Dr. Donald Stewart Mackenzie, C.R.M.O. of the Perth Hospital, related the post-mortem examination made on the body of John George O'Neil on April 6 last. He indicated the wounds found on the head of the deceased. Death was due to fracture of the skull and pulping of the brain. The wounds might have been caused by such an instrument as a bar of iron about the size of a ruler, with a bolt on the end. With the exception of the wound over the left eye, all wounds could have been caused by a bar of iron. There were a number of instruments in the car which could have caused such wounds.

RIGOR MORTIS.

Mr. Lavan said there was certain evidence given in the Lower Court which might or might not be brought up. He sought permission to cross-examine Drs. Mackenzie and Barker at a later stage.

His Honor: Now is the proper time to cross-examine. If you want to make application later, I will listen to it.

Mr. Lavan: There is no doubt that from the injuries you have described a great deal of violence was used?

Witness: Not necessarily. It may have been a heavy instrument that was used.

From the wounds indicated, would you expect to see a great quantity of blood?—You mean escaped blood—haemorrhage? Yes. I stated that when I examined the heart it was empty.

Would death be instantaneous?—It would be a quick death.

Do you remember when you first saw this body?—On Sunday morning.

Do you know whether you were the first doctor to see it?—I understand so.

Would it be possible for you to throw any light on the question of rigor mortis?—Quite impossible.

Can you not give the jury an idea of how long the man had been dead when you saw it?—Not from the point of view of rigor mortis, and decomposition varies according to climate and other conditions.

There is nothing to guide you as to the time of death?—No, not in hours.

You tell us what nature of instrument might have caused his death? May I put it to you that, with the exception of that over the eye, any heavy blunt instrument could cause them—could a spanner do it?—It could.

Would a poker do it?—It would have to be a heavy poker.

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Would the instrument have to be heavy?—Yes, it would require a good weight.

It would have to be heavy?—It should weigh a pound or more. You must also have regard to the amount of force used. I do not know what force was used.

And, of course, when you talk of the force, that would depend upon the force that the man who used it would be able to apply?—Yes.

His strength, for instance?—There are innumerable factors.

That would be one, and also the distance he stood away? Your attention is directed by the prosecution that in one direction there are many blunt instruments which could cause the injuries?—Yes, except that over the eye.

In regard to that, you tell us you found some sharp edges in the car which might cause it; anything with a chisel edge could do it?—Yes.

Re-examined, the witness said the injuries could have been inflicted with a cold-chisel. The heavier the instrument the less force would be required. Several of the wounds might alone have only stunned the victim. A man knocked unconscious might groan.

AUBURN'S ARM INJURY.

Dr. G. W. Barker, who was present at the post-mortem, gave corroborative evidence. Witness had also examined the accused one night subsequent to the murder. He examined accused right upper arm and found a "heaped-up" scar of about four inches of an old wound. It would not affect the muscular action or use of the arm.

To Mr. Lavan the doctor said that when he examined Auburn's arm it was "weeping" serum with traces of blood. If he got a knock on the scar it might cause some pain, but witness thought that if it bled at all it would not bleed very much.

The witness said if a person got a knock on a "keloid" or scabby wound sufficiently hard to make it bleed, it would not in his opinion be sufficient to permit it trickling down to his hand, if the person had his clothes on. It would only bleed a little before coagulation started.

O'NEIL'S HAT.

Herbert Alexander Hammond, warehouse assistant at Wiseman Bros., was vouching on April 5 last, and picked up a felt hat near Foam Nit.

James Frederick Kinhorn, water-policeman, related how he had received the hat found by Hammond and handed it to the C.S.D.

O'NEIL'S WIFE AND FATHER-IN-LAW.

Mrs. Thelma O'Neil, widow of the late John George O'Neil, taxi-driver, said that on April 4 her husband said he was going away on a trip, and she packed his suitcase, putting in four changes of underclothing, and shaving gear. He left at 7.20 p.m.

Leonard Nelson McCallum, engineer in the Government Railways, Midland Junction, said the deceased was his son-in-law. His car was a seven-seated Buick Six, numbered 3481. He assisted O'Neil to pack up the car and put in the repair outfit, with spanners and spare bolts, and a lifting jack. He changed £1 for Mrs. O'Neil, who gave her husband 5s. or let the overcoat O'Neil put over the back of the seat alongside him when he left. A suit case and rug was also taken, but there were no bloodstains on the case when it was taken away.

The suit case revealing blood splashes was exhibited to the jury.

Continuing, the witness said a pair of motor goggles were put in the case. He knew these were not usually used around the town. O'Neil had a blue suit with a link button, but this suit was still at his residence with the button intact. The suit he wore on the trip had an ordinary single fast button. Another suit at home of very light material had a link button, but this was also intact. On April 6 he went to the police station and identified the motor car there as O'Neil's.

Another stage in the lengthy proceedings involved in the trial of William George Auburn was reached in the Criminal Court to-day. The trial is exciting even greater public interest than the sensational events of the night when the deceased was so foully murdered. The less ardent of Court habitués were evidently not prepared to-day to submit to the inconvenience of long waiting before the doors were open, and yet the overflow was of considerable proportions. A large crowd hung listlessly about the Court buildings throughout the day. The first to arrive were three women, who started the queue at 8.20 a.m.

George William Auburn has pleaded not guilty to a charge that at Claremont on April 4 he wilfully murdered John George O'Neil. Auburn, who, finding the jarrah form uncomfortable, has been provided with a chair, maintained a pronounced interest in the proceedings.

Mr. Hubert Parker (Crown Prosecutor), assisted by Mr. A. G. Haynes, appeared for the prosecution, while Mr. M. G. Lavan, with him Mr. J. F. Walsh, represented the accused.

THE EVIDENCE.

When our report closed yesterday, the witness-box was occupied by Francis Hynes, proprietor of the Paramount Motor Garage, Hay-street. He said O'Neil used to park his car with him. O'Neil, on 3rd April, overhauled his engine and took his car away the next evening. Witness outlined the fitting up of O'Neil's car before it was taken from the garage.

CAR IN GOOD CONDITION.

When the car left it was in good condition. He had since seen the car and it was damaged, so as to put it out of action, though it might go forward for some distance when it would probably stop altogether. It would work perfectly in the reverse. The damage could be caused by faulty driving, such as improper handling of the gears or by the car pulling in the sand where the wheels had no grip, or it might be caused by general wear and tear.

The Court then adjourned until to-day. The first witness this morning was Mr. J. T. Tracy.

O'NEIL'S CAR SEEN.

James Thomas Tracey, advertising agent, residing at Perth-Fremantle-road, Nedlands, said he was riding a motorcycle on the homeward journey from Perth between 10 p.m. and 10.30 p.m. on April 4. He estimated that he would pass the Rokeby-road entrance to King's Park between 10.15 and 10.30. Just on the Nedlands side of the entrance he saw a motor-car swerve on to its incorrect side, and, fearing a collision, he slowed down. The car, however, turned back to its correct side. As it passed him he made a note of its number. It was "3481." He could not say how many were in the car, and had no idea who its occupants were.

Mr. Lavan: It would take you 10 or 15 minutes to get to the Park entrance from Perth?

Witness: Not more; possibly less.

THE CAR AT LEEDERVILLE.

Edward Collins, a 14-year-old schoolboy, residing at 295 Vincent-street, Leederville, said he was at the pictures on the night of April 4. He went home to bed about 11 o'clock and heard a motor car come along the street and make a "burring" noise.

Witness was asked to imitate the sound, prompting his Honor to remark that he was nonplussed as to how to put it in writing. (Laughter.)

The car, continued witness, stopped not far from his home. Between 8 and 9 o'clock the following morning he saw a car in front of Chinnery's in the sand. There were three or four houses between Chinnery's and witness's home. He did not see the newspaper that morning, and up to seeing the car he had not heard of the murder. He learned of it for the first time that afternoon.

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Cross-examined: It was in the afternoon that his mother showed him the report of the murder. It was just after lunch. A policeman first questioned him in relation to the murder, that being on the same day about 10 o'clock.

Mr. Lavan: Have you heard a car make a noise like that before?—No.

It went along the road, after it passed you, what was the next thing you heard?—I went to sleep.

I don't want to be unfair to you, Edward; you are only a boy; you see, you told Mr. Parker you heard it stop?—Yes.

Then you went to sleep; nothing more occurred?—That's after I heard it stop.

You did not know where it stopped, how far along, for instance?—I think just near the lamppost.

Aren't you saying that because you saw it there next day?—No, it was in the

All you can say is that apparently it stopped some distance past your place, when the noise ceased?—Yes, it did.

Whereabouts, you cannot say?—I saw it next morning.

You cannot say it was the same car?—No.

AT 11.50 P.M.

Herbert Charles Collins, horse driver at Whittaker's, Subiaco, residing in Vincent-street, Leederville, said that on April 4 he got home about 11.50 p.m. and noticed outside Chinnery's house with no a motor car between the Leederville Picture Hall and Oxford-street. It was stand-lights burning. The bonnet of the car was facing west. He did not see anybody in it. At 6.30 a.m. the next day he saw it in the same place. Under it there was a bar suspended, resembling a brake rod. Constable Drysdale spoke to him on the afternoon of April 5.

The witness was closely questioned by Mr. Lavan about the time of his arrival home on April 4. He said he remembered the clock striking 12 just after he got in. The clock, his mother had told him, was a few minutes fast.

Mr. Lavan: You had no difficulty in seeing the car on the Friday night?

Witness: No.

You did not examine it?—No.

Was there anything about it you noticed?—Nothing, except that there were no lights.

You saw a car there at 6.30 on the next morning?—Yes.

Could you say it was the same car?—Well, it was in the same place.

Mr. Haynes: You saw the color of the car on the Saturday?

Witness: Yes.

And on the previous evening?—No, it was dark.

From the general appearance of the car would you think there was any difference?—No.

AT 4 A.M.

Another resident of the neighborhood who saw the car was Kenben Victor Chinnery, a butcher, of Vincent-street. He said that at 4 a.m. he put his head out of his bedroom window to call his brother-in-law, and observed a car outside the house. It was unlighted. Witness left home shortly before 5 o'clock, and on examining the car, he looked at the number by match-light. It was 3491. The left-hand front door was open, and the hood was raised. He reported his discovery to the police that afternoon.

In answer to Mr. Walsh, the witness said that he could see that the car was drawn off the road, the two wheels on the left side being in the sand.

THE CAR BLOOD-STAINED.

Constable Drysdale, stationed at Leederville, said that in consequence of a report on April 5 he went to the car, which was on the south side of Vincent-street, facing west. It was shortly after noon. The right-hand wheels were about two feet on and from the edge of the road. Witness noticed stains resembling blood on the car, and there were bushes and gum leaves

hanging to the forefront of the undercarriage. There were stains on the wind screen fronting the steering wheel on the hood above the driving seat, and on the spotlight, the mirror of which was broken. There was also a big stain at the back portion of the seat in front and a pool underneath the cushions. There were other bloodstains where the driver would sit, and in the back of the car. A white-looking substance was also noticed on a matting in the rear portion resembling brains, and there were also stains on the undercarriage, blood having evidently found its way through.

THE BLOOD-STAINED BUTTON.

A button, witness said, was found on the matting stained with what looked like blood, and containing a shank about half an inch in length. It was the button produced. Witness gave it to Inspector Condon subsequently. Underneath a brake rod lay at right angles to the car. It was tied at one end with a piece of insulated wire, and the other end trailed on the ground. The rod was placed in the car, which contained an attache case, case of petrol, lifting jack, and small cushion. The mirror of the spotlight (produced) was in the same condition as when he first examined it.

Mr. Parker told the jury that there were several spots on the shattered mirror, which they would later have the opportunity of examining.

Witness informed Mr. Lavan that Vincent-street was a ribbon road. There was no doubt that the whole of the interior of the car was freely bespattered with blood, particularly the right-hand side. There was blood high up on the back seat and on the mat, but witness did not notice any blood on the cases.

Mr. Lavan: Let us have a look at the attache case. Where did you say it was?

Witness: On top of the petrol case.

See that (pointing to a part of the case).

—It has the appearance of blood.

Yes, and a good deal of it, too?—Yes.

Where was the petrol case?—On the floor on the left-hand side at the rear.

Continuing, the witness said he did not notice a rug. The car was parallel to Vincent-street.

"GRATING" OR "BURRING"?

Probationary-police Constable Arthur Murray said he had had seven or eight years' experience as a motor mechanic and driver. On April 5 he went with Inspector Condon to Leederville about 12 noon, where he saw a Buick car No. 3491, standing in the position described by previous witnesses. When it had been inspected by Inspector Condon witness took the driving seat, and after putting the car into reverse gear backed it on to the road. When he changed to first gear he found the car would not go. Some men gave it a push and then it started off. On the way to the police station it refused to negotiate a couple of hills, so he went another way. When he was entering the police yard it stopped. It was pulled into the yard and backed into a shed.

Mr. Lavan: When you went to put the car in gear you noticed a grating noise.

Witness: Yes.

It was not a burring noise?—No.

His Honor: What's the difference between a burring noise and a grating noise?

Witness: Well, I have heard them, but I could not describe them.

Mr. Lavan: I have an idea what he means.

His Honor: He says it was a grating and not a burring noise; I want to know what he means. (To the witness): Can you tell us?

Witness: No.

MOTOR MECHANIC'S EVIDENCE.

William M'Donald, motor mechanic, of Hay-street, Perth, said he had had experience with Buick cars over an umber of years. At the request of the police he examined a grey-colored, blood-stained Buick Six. He found the ball races and the

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pinion shaft broken, enabling it to be driven in reverse, but not forward. Witness tried to drive it forward, but could not do so. It made "a very great grating sound." Witness had since made a further attempt, with the same result and noise. The damage could have been caused through ordinary wear and tear or through a ball breaking. The former would be a gradual effect, and the grating would arise gradually. In a Buick Six the gears were on the right of the switch on the left. If the car was running about 20 miles an hour and the switch was turned off, the car would pull up suddenly.

Mr. Parker: Suppose a person were sitting on the left side of the driver would it be possible to turn it?—Yes, it is simply a push-in switch.

In the event of such a happening would it cause this damage to the ball-race and pinion?—I hardly think so; it would put a slow pressure on it.

If it ran into a small tree?—I don't think so. Proceeding, he said the damage could be caused by jumping the car out of sand and dropping the clutch too suddenly. Witness knew Auburn slightly before the trial, and had seen him driving a motor-car.

Mr. Lavan: From what you saw he was a competent driver?

Witness: Quite.

Would a man who suddenly dropped his clutch and caused such damage be a competent driver?—No.

Would the sand in the case of a car being jumped out of the sand have to be very heavy?—Yes; if the wheels began to spin.

Would that happen if you had two of the wheels on a macadamised road and two in sand, which is not very heavy?—No.

Mr. Parker interjected that it did not follow he was going to allege that it happened at the place in Vincent-street, where the car was found.

Mr. Lavan: I am not suggesting you did.

His Honor: Does Mr. Parker suggest it did not occur in Vincent-street?

Mr. Parker said it was suggested it occurred before it passed the home of the boy Collins.

Mr. Lavan (to witness): I suppose you hear all sorts of noises in your experience with cars? What would you describe as a "burring" noise?

Mr. Parker: How can this witness describe what another person deems to be a "burring" noise?

Mr. Lavan: I am not asking that: I want to know what he would call a "burring" noise.

Mr. Lavan (to witness): This was a harsh, grating noise, and loud; would you hear it at a distance?—Yes.

Would you hear the noise you described some distance off?—Yes, 50 yards.

Still as a harsh, grating noise?—A grating noise.

On the question of turning off the switch, does not that apply to many makes of cars?—Quite so.

A PICTURE PROGRAMME.

Are you also operator at the East Perth Picture Show?—Yes.

On the night of April 4 can you say what programme was shown?

Mr. Parker was inclined to object, and his Honor, having stopped writing, Mr. Lavan said, if necessary, he would call evidence. However, he would assume that a certain programme was shown. (To the witness): Assuming the programme consisted of these three pictures, "Potash and Perlmutter," "Alias the Night Wind," and "The Pirate," what time would the show be finished?—About 10.45.

On the basis that those pictures were shown, did you work it out?—Yes.

Mr. Parker (re-examining): Who asked you to refresh your memory?

Witness: I was rung up by Mr. Norton. Who is he?—The manager of the show. And he asked you to look up the pro-

gramme for that particular night?—He asked me if I remembered April 4.

As the result of that conversation you looked up what the programme was?

Mr. Parker: If the programme consisted of those three pictures, it would be over at 10.45?

Witness: Yes.

Do they often cut a lot out of a picture?—Not to that extent.

To the extent of making a difference of what?—Not more than a couple of minutes in the whole programme.

There are sometimes delays in the pictures, breakage and one thing and another. Do you know if there was any this night, or any delays at all?—I don't think so.

I take it delays are not uncommon?—It would not make five minutes difference.

You cannot say if there was a delay of five minutes that night?—No.

Have you known of competent car-drivers meeting with accident to their cars?—Yes.

Sometimes careless driving will damage their machinery?—Quite so.

AT SCHOOL TOGETHER.

John Monson said he had known accused about seven years. They went to school together, and were friends. On April 14 he met Auburn in William-street, near Hay-street, about 11 a.m., and remained with him till about 4 p.m. They went to the Post Office about 4 o'clock, and at Auburn's request witness rang up Auburn's request witness rang up the Wooroloo Sanatorium, and asked for Miss Sadler. Auburn could hear what was said. Witness heard a female voice which asked who was speaking, and he said "a friend of George's." Auburn then took the receiver. Witness heard him ask why she had not written to him. The conversation lasted for only about a minute.

Witness and Auburn had discussed the murder. Auburn told him on April 13 that he had found an overcoat and given it to the police. Accused also said the detectives had questioned him, and that he had made statements—several, in fact, which had got him "muddled." Witness told him it was no good making statements and getting "muddled." Witness advised him, if he was "muddled," to see a solicitor. No mention was made of any further statements to the police.

The witness went on to refer to the meeting with Auburn and James on Sunday, April 13. Subsequently he said he was interviewed by Detective-Sergeant Purdue, who questioned him, and his answers were taken down in writing.

Mr. Haynes: Was it read over to you?—Witness: Yes.

Was it correct?—What was read out was correct. I do not know what was on the paper.

Did you sign it?—No.

Further questioned by Mr. Haynes, witness answered that Auburn never told him anything about the murder "out of the ordinary."

MONSON'S REQUEST.

Cross-examined, witness said he did not remember, when they first met on the Sunday night, talking to Auburn alone.

Mr. Lavan: When were you asked for a statement by the detectives?—I cannot remember, it was a holiday.

It would be April 25, and this was on the 13th. When you met on the Monday it was not by appointment?—I said that if he was in town I would possibly see him.

Do you remember anything else apart from what you have told us, conversations or anything else?—It was just the same as he would speak to anyone.

Nothing at all you can add?—No; but I would like that statement to be read, everyone thinks I am holding something back.

I cannot help what other people are thinking?—I've got to help it, though.

A WITNESS BREAKS DOWN.

Ellen Josephine Sadler, whom it will be remembered was one of the most important

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witnesses in the Coroner's Court, was next called. Her face was completely obscured by a thick black veil, and she was attractively attired. Immediately she entered the box Miss Sadler broke down, and, realising the inadvisability of examining her at that stage, the Crown Prosecutor instructed that she should be stood down and another witness called, while she recovered her composure. Miss Sadler was accommodated with a seat in Court, and, lifting her veil, appeared to become deeply interested in the proceedings.

INSPECTOR CONDON.

Inspector Stephen Condon, in charge of the C.I.D. gave evidence of having received the overcoat (produced), and of his visit to Vincent-street, to where the car was standing. He referred to the finding of a button in the car.

Mr. Walsh: Did you see the suit case in the car?

Witness: Yes.

Did you open it?—No.

Were you present when the suit case was opened?—Yes, in my office.

Have a look at its contents now; are they the same?

Witness (after an inspection of the suit case): Yes.

MISS SADLER.

Miss Sadler was again called, and this time it was possible to proceed with her examination. She said she had been "going with" Auburn about 14 months, and had known him for two years. Until April 9 she was living with her married sister at Woodroyd-street, Mt. Lawley, where Auburn paid visits. Witness referred to a suggestion made about three weeks prior to April 5 that they should accompany Auburn to Wagin by motor car. He said a car was being loaned to him by Mr. Ford, of Winterbottom's, and firstly that it would be a Buick Six, and then that it would be a Willys-Knight. It was arranged finally they should go on a Saturday, and they went on the day fixed. Witness told Auburn that advice had been received that her sister at Wagin was ill, and that if she got worse she (witness) would go down by train. Auburn said that if she became no worse it would not be advisable for witness to go, as they intended going on the Saturday.

Witness, proceeding, said that on the day before the trip she went, at Auburn's request, to Abbott and Rich, and got "a pair of plates." The request had been made of her on April 3 saying "I would not be in town that day, as he was going to be in Fremantle. Accused also promised to call at witness' place, where he had been invited to stay the night so as an early start could be effected the following day. He said he would have the car with him. He came to the house that night about 7 o'clock, dressed the same as he was now, and so far as she remembered, wearing a grey hat. It was the hat he wore to Wagin. Auburn had a grey overcoat last winter, but she had not seen it since; it was worn out. Witness gave him the number plates that night and told him she had not paid for them, but had entered them up to Geo. Auburn, jun., Osborne Park Hotel. Auburn looked "a little different"; he seemed slightly annoyed, although he might not have been. She did not recollect Auburn saying to what use he would put the plates. There was a parcel on a chair under his hat. She did not see him bring it with him, but it was about two feet long and about as thick as an ordinary ebony ruler. The parcel was, so far as she knew, tied in three places. She picked it up and, judging by the weight, she thought it was a piece of iron. It might have been wood. She asked Auburn what he had it for; he jokingly answered "To knock you on the head with." He left the house about 7.40. She did not know what became of the plates and parcel. Auburn said he might be back to sleep the night, but he did not return that night. Wit-

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ness phoned him the following morning at the hotel, and asked him where he got to. He said he would explain "when he came out home." Witness saw the accused later on in the day, and he expressed his regret at having disappointed her the previous night.

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The more interesting stages reached at yesterday's session of the Dalkeith murder trial have lent added interest to the proceedings. There was again a siege of the Court buildings, and early-comers gained precedence, although those who did not obtain admission waited in the vicinity, presumably in the hope that a few seats might become vacant during the day. A hush of expectancy swept around the Court when Miss Sadler was called to resume her evidence.

The accused, William George Auburn, is charged before Mr. Justice Draper with having on April 4 last, at Claremont, willfully murdered John George O'Neil, a taxi-driver. Accused pleads not guilty, and is defended by Mr. M. G. Lavan and Mr. J. F. Walsh. Mr. Hubert Parker (Crown Prosecutor), assisted by Mr. A. G. Haynes, conducts the prosecution.

Auburn's interest in the proceedings was undiminished, and he several times communicated with counsel through a clerk.

JURY'S FEES.

When his Honor entered he informed the jury that he had received their communication, noted its contents, and forwarded it to the Minister for Justice. It is probable that the jury's communication relates to a request for increased fees in view of the length of the proceedings.

MISS SADLER'S STORY.

Prior to the continuation of the examination of Miss Sadler, his Honor showed her a passage, reading: "He said he was coming back with the car to stay the night—he said this as he was going away," from the deposition signed by her at the coroner's inquest. When asked if it was correct she said it was.

Further examined by Mr. Haynes, Miss Sadler said that they stopped at Armadale on the road to Wagin, but there was no discussion about the murder at that town. It was not mentioned. She could not remember any discussion between Armadale and Wagin, nor could she recollect any remarks about the murder on the way back to Perth. It was on the Tuesday after the return from Wagin that she went out in the motor-car.

Mr. Haynes: Was there any reference on that night to the murder?—I think there was.

In Auburn's presence?—Yes.

His Honor: Where?

Witness: In the car.

With whom?—The two Misses Quigley and myself.

In Auburn's presence?—Yes.

Witness asked the Quigley girls what they thought of it, and they said it was a terrible thing.

Mr. Haynes: Did Auburn say anything?

Witness: Not that I can remember.

A TELEPHONE MESSAGE.

Witness, continuing, said she went the following day to Wooroloo. Before going, Auburn had not mentioned to her the finding of an overcoat. She saw him just prior to her departure. Some days after she received a telephone message. "It was supposed to be from Mr. Auburn." She did not recognise the voice.

Mr. Haynes: You say on a Wednesday you think, the Wednesday after you left?—I think it was, but I am not sure it was a Wednesday.

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Mr. Haynes: Did the person say who was speaking?

His Honor: She says she did not know the voice. (To witness): Did you receive any other message that day?—No.

Do you really say you do not know who was speaking? No, I don't know. I said so from the first.

Mr. Haynes: Did you get any message from any other person about that time?

Witness: No.

Did you speak on the phone to anyone about that time?—No.

A question as to what happened on the telephone provoked argument. Mr. Parker said the witness had told them she received the message, and there was only one message. He instanced the case of a letter. A letter was admissible, although the writing might not be known. In this case a person said she was telephoned by a certain person, and "you are not bound to recognise the voice," the same as the handwriting. He pressed that the question be allowed. They had evidence a person did telephone, and that Miss Sadler did speak on the telephone. Surely it could be asked what name the person gave.

His Honor: She said she got no message from any other person at that time.

Mr. Lavan said it was really asking his Honor to take a risk.

His Honor: This is a criminal trial, and the ordinary course should prevail. She said she received a message from a person—whose voice she did not recognise—on the Wednesday following her arrival. She said she did not know to whom she spoke.

Mr. Parker: She said she did not recognise the voice.

Mr. Lavan: What is the difference?

His Honor (to the witness): You told us you did not get any other message from any other person at that time?—Yes.

What do you mean by "at that time"?—It was the first and last message I got all the time I was at the Sanatorium.

After some deliberation, his Honor gave permission to ask the question.

Mr. Haynes: What was said by the voice at the other end?—The voice asked me if I was speaking. (To the Judge): The voice inquired if Miss Sadler was speaking. I answered "Yes," and the person said, "I am speaking on behalf of George."

Did he continue to speak, or did someone else come to the phone?—It was the same person speaking the whole time.

Mr. Parker asked his Honor would he put a certain question. First of all the witness said she could not hear the voice distinctly.

Mr. Lavan: She said she could not recognise it.

Mr. Parker: There is the distinct evidence.

Mr. Haynes: There is only the one voice up to date.

His Honor: She said the same person spoke the whole time.

Mr. Haynes: She means while she was speaking.

Witness: The whole of the time I was at the phone.

His Honor: You mean the same person at the other end.

At Mr. Parker's request his Honor again referred to the witness' deposition.

"ON BEHALF OF GEORGE."

Having perused the deposition, his Honor told Mr. Haynes he could cross-examine the witness on that point.

Mr. Haynes read short passages from the deposition, and the witness agreed they were correct.

When asked by counsel, Miss Sadler said the person on the phone said he was speaking on behalf of George. Witness was astonished, and said, "I beg your pardon."

Mr. Haynes: That is correct?

Witness: Yes.

What did he say to you?—He asked if anybody had been up to see me.

And what did you say?—"No."

And what did he say?—"If anybody

comes up, do not give him any information."

His Honor: You still say it was the same voice all the time?

Witness: Yes.

Mr. Haynes: You remember what you said yesterday about the coat with the button?

Witness: Yes.

You told us you saw it off the coat?—Yes, on two or three occasions.

When he was visiting you?—Yes.

Mr. Haynes: I would like your Honor to note that.

His Honor: She said yesterday that she had seen it several times in the last three months when he was at their place.

Mr. Haynes: Now she says "when he was visiting her."

His Honor (smilingly): I do not think it will be difficult for the jury to infer that.

MR. LAVAN'S CROSS-EXAMINATION.

Mr. Lavan: As a matter of fact, Miss Sadler, you have known Auburn for about four years?

Witness: Well, yes; but I have known him to speak to for about two years.

Were you employed at one time at a picture show?—Yes.

Up to when?—About eight months ago.

ALONE AT THE PICTURES.

Do you know of your own knowledge whether it was a practice of Auburn's to go to a picture show by himself?—I do.

AUBURN'S ARM BLEED.

Do you know whether there is a long scar on his right arm?—I do.

Have you seen it?—Yes.

When?—At our place once when it broke open and he bathed it in the bathroom.

When was that?—I cannot remember. It has often broken open at the tea table.

At Mr. Moir's?—Yes.

Why did he have to wash it?—Because the blood was trickling down his arm.

Could you give us any idea how many times you saw that occur?—A good many.

To what extent did it bleed?—I have seen it run right down his arm into the palm of his hand.

Do you remember if at any time you saw a scab on the scar?—Yes.

Do you remember any particular occasion when he hurt his arm at the house?—No, I do not remember.

Did you ever notice what caused it to bleed?—No.

Mr. Lavan: I will try and jog your memory. Do you remember a Sunday when you and George were skylarking, and you hurt his arm?—Yes, I do. I knocked his arm.

Do you know whether it bled on that occasion?—It did.

Did he give any indications to suggest he was suffering pain of any kind?—Yes, he did.

Try and cast your memory back again. Do you recollect him knocking something into a door or something?—He has knocked it several times.

But what have you seen?—I saw him knock it on the door a couple of times.

And it bled?—Yes.

THE WAGIN TRIP.

The question of this trip to Wagin had been discussed for some weeks, and definitely fixed for three weeks?—Yes.

Any suggestion of going in another direction at all, east, south, or west?—No, none at all.

How long was it to be for?—Go down on the Saturday and return on the Sunday.

Was a long protracted trip ever suggested?—No.

How long were you at Mrs. Moir's before April 4?—I have always stayed there.

He (Auburn) was a very frequent visitor. I want you particularly remember the week before the Wagin trip. When he did come to the house to stay the evening, when did he usually leave?—Sometimes he would leave to catch his last tram and sometimes he would miss it.

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A THEATRE NIGHT.

I will take first, Thursday night, April 3. Where did you go with George that night?—To the play at His Majesty's.

What was on there?—I really cannot remember.

Did he go to the house for you?—He did. And did he take you home after the theatre?—Yes.

It was pretty late when you'd leave, so it would be after 11?—I think it was about half-past.

The night before that, was he at your house?—Yes. He was up that night.

Did he leave to catch a late tram that night?—Yes.

How long would it take from where you are living to the corner of Beaufort and Newcastle streets, where the Osborne Park tram swings around?—About quarter of an hour.

It would vary a little if the tram stopped at every street?—Yes.

About what time would he have left on the Wednesday?—So far as I remember, it was between 11 and 11.30.

Was he up on the Monday and Tuesday that week?—Yes. We went to His Majesty's on the Tuesday.

And he took you home that night? What time would he leave that night?—It would be about 11.20.

On the Monday, did he leave early?—I think in time to catch his last tram.

WAGIN TRIP AGAIN.

Now, Miss Sadler, when he suggested this trip you told us he spoke of borrowing a car?—Yes.

Would you personally be in favor of him hiring a car for yourself and family?—I would not.

And would the family favor it?—No.

When was the number who would go arranged?—On the previous Sunday night.

There was a good deal of talk, I suppose? You say, "I think he said that he would borrow one from Mr. Ford, of Winterbottom's." You remember that name being mentioned?—I do.

What was it that Auburn said that Ford would lend one, or that he would borrow it?—I think he said, "Mr. Ford said he would lend him one."

Are you sure?—Yes.

You told us that during these conversations two cars were suggested; who, as a fact, suggested the Buick and Willys-Knight?—Mr. Auburn.

Are you sure you did not say you would like to go in a Willys-Knight?—No; I don't think it was me.

Try and think—can you remember it?—No, I don't.

Is your memory clear about it?—Yes.

The Buick was first to be mentioned?—Yes.

Who was it said they would go halves in petrol?—My brother-in-law suggested it.

Where did that conversation take place?—In the dining-room.

Were you present?—Yes.

It was first just to be a trip to see your sister?—Yes.

And then the news came she was ill?—Yes.

Was there only one wire?—No, there was one on the Saturday and one on the Monday, and a letter in the afternoon.

You say that on the Friday, at Auburn's request, you procured number plates at Abbott and Rich's, and that he told you he would not be in town, as he was working in Fremantle?—That was what I understood.

When did he ask that?—During the day on Thursday. He was at our place about 12.30.

Are you sure of that? I want you to remember the length of time back. Are you sure he was out there at that time?—I think it was the Thursday.

Well, are you sure?—Yes, I'm sure.

About 12.30, did he just call in and go away?—Yes.

Who was there when he came?—My

brother-in-law and married sister.

That was the time he told you to get them. Are you sure of the time he went up there?—No, I can't say I am.

Might it have been earlier?—I can't say.

It was in the forenoon?—Yes.

His Honor remarked that he would not take the question. Firstly, witness said the time was 12.30, then that she was not sure, and then, when Mr. Lavan suggested it, she said it was the forenoon.

Will you swear that on that occasion Auburn told you he would be working in Fremantle the following day?—I will not swear to it, but I think he said that.

Did you know where he was working?—No.

Are you sure he mentioned 5 o'clock? Didn't he say he would not be in town early enough?—Yes, I think he did.

Are you clear with regard to this: "He said on the Thursday night that he would be up at 8.15 the following night, and bring the car with him"?—Yes.

On the Friday he arrived about 7?—Yes. Do you still say he said he would not be up till 8.15?—Yes, he said that.

You said to Mr. Haynes: "He was dressed as he is now." I want you to have a good look. (Auburn stood up in the dock.) Is that the suit he was wearing on the Friday night?—It looks very much like it.

He had another blue suit?—Yes.

Was there some difference?—Yes, it was not as new-looking as the one he is wearing now and the one he wore on the Friday.

I suggest that you had not seen him wearing the other blue suit for some time. Is that so?—That is so.

The one that you saw was not so new as this one, was that the one that the button was off?—Yes.

THE MISSING BUTTON.

Prior to the fourth of April, how long was it that you saw him wearing the suit with the button off?—Between two and three months.

After further questions about the button, Mr. Lavan and his Honor both confessed that they were unable to understand the witness.

Mr. Lavan: Did you see him wearing the oldest suit for three or four months before April 4?—Yes, I did.

Will you tell me when it was you saw him wearing that other suit?—It would be about three weeks before April 4.

That was the last time?—Yes.

Will you swear it was not three or four months?—(No reply.)

A considerable period?—Well, I cannot remember.

Do you think it was longer than three weeks?—It may have been longer.

His Honor: What makes you think it was three weeks?

Witness: I don't know. I just think so.

Are you sure you did not see him wearing the suit for some time before April 4 at all events?—Yes.

The nearest you can say is three weeks, and you are not sure of that?—No.

How many times have you seen the button off?—Three or four times.

Did you offer to sew it on or hear anyone else offer?—No.

Did you notice that a piece of cloth had come away with the button?—I did not take that much notice.

THE "IRON" (?) BAR.

On the Friday night, who let him in?—He just walked in the door himself—the back door. I was in the kitchen with Mrs. Moir.

When he came in will you swear he had anything with him?—No, certainly not.

How long after he arrived was it you say you noticed a parcel on the chair under his hat?—About a quarter of an hour.

You and George, I suppose, had both gone out?—No, we remained in the kitchen. Mrs. Moir went out.

Before you saw the parcel?—Yes.

And you say this parcel was on the

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chair under his hat. Has he been sitting down?—No.

He just threw his hat on the chair?—Yes, the baby's high chair.

If he had brought a parcel and put it down there would you not have seen it?—Yes, I think so.

Your brother-in-law is a plumber; have you ever seen any parcels tied up of the nature you have described?—I have, yes.

So that the position now is that when he came in he threw his hat on the chair and you saw no parcel, and you think you would if he had had it?—Yes.

When he took his hat off and threw it down he would place the parcel down first; did you see anything to suggest that?—No.

When was it this little incident occurred when you said you spoke to him about the parcel?—I thought then he bought the parcel and I picked up the hat when I went to the sideboard for something.

You thought it was his?—As a matter of fact I thought it was the evening paper; he always brought the papers with him.

As a fact, was he not in the habit of frequently bringing along rolled-up papers?—Yes, he was.

But you noticed nothing that night?—Nothing whatever.

And you say you picked that parcel up, and at the time you thought it might be the evening paper?—Yes.

You say it resembled a paper?—Yes.

Can you say definitely whether that parcel was tied at all?—Yes, I think it was tied in three places.

I want to remind you that you said to Mr. Haynes that, so far as you know, it was tied in three places. You saw you think so?—Yes, I am not sure.

You will not swear to it?—No.

You picked it up?—Yes.

You said it would be about two feet long?—Yes. It would be about the length of a newspaper folded up.

The witness was handed a paper and folded it to the length and thickness she thought the parcel was.

When measured the paper folded was 13½ inches.

You said, "Judging by the weight of it, I took it to be iron or wood." If you took a piece of iron and a piece of wood of that length, there would be a big difference.

Was it the same weight as it would be if it was a piece of wood wrapped up?

His Honor: How does it compare with the weight of that paper?

Witness: It was heavier than that.

Mr. Lavan: Was it a light weight?

Witness: It was not what you could call a heavy weight.

Was it about the weight of a piece of wood wrapped up?—Yes, about that.

Could you give us any idea of the weight?—No, I could not.

You cannot say what it was?—No.

Nothing to indicate what it was?—No.

But it was comparatively light in weight?—Yes.

You asked him what he had it for?—Yes.

Who was present?—No one.

What he said jokingly in answer to you was "To knock you on the head with"?—Yes.

He was in the habit of joking with you?—Oh, yes.

If it had been a newspaper he might say the same?—Yes.

A BIT "SNAKY."

Things were not too harmonious that night—you were a bit "snaky" with each other?—Yes.

Mr. Haynes was puzzled by the word "snaky," whereupon Mr. Lavan explained that it related to a misunderstanding and peevishness, and he added, "it was only for the benefit of the gallery." (Laughter.)

Mr. Lavan: You were a bit "snaky" with him, and he apparently with you?—Yes.

He asked you to go to town with him?—Yes.

Will you swear that you were told if anyone saw you to give no information?—I will.

You don't remember what day it was on which the telephone message came?—No, I think it was a Tuesday.

Your memory is not too good?—The person who was in the office with me could probably tell you.

Yes, but I want to test your memory.—It was the Tuesday, because Mr. Purdine came up on the Wednesday.

It took you some time to remember that?—It was a long time ago.

You admit that it is difficult to remember after a few days, a particular conversation?—Yes.

On the Saturday, April 5, Auburn had a grey suit on?—Yes, he used to wear it occasionally. If the weather was bad he would wear it as the suit was thick.

There was nothing unusual about his wearing it, if it was raining, and there was no cause for you to remark upon it?—Well, I didn't like the suit.

If he wears it always on a wet or cold day, why did you remark about it on that day?—(No answer.)

Will you swear you remarked about that grey suit?—No, I will not swear.

You have on other occasions?—Yes, but I did not that time.

In view of that answer, will you swear that he ever told you his blue suit was torn?—Yes.

But if the grey suit was not discussed, why should you ask about the blue suit?—(No answer.)

Can you answer that?—No.

You are clear about that grey suit?—Yes, it was not discussed.

May you not be making a mistake as to the day on which he told you his blue suit was torn?—I don't think so.

You won't even admit a possibility of a mistake?—It is quite possible I made a mistake, but I do not think so.

When you were engaged at picture shows did not Auburn often go in by himself?—Yes.

Mr. Haynes: Auburn told you the blue suit got torn. Did he tell you how it got torn?—I don't think; I can't remember.

You were in the kitchen when Auburn called. What were you doing?—When I saw you before you said you would not ask me that question. I refuse to answer it.

You were busy with something?—Yes, you know perfectly well I was.

When he came in, did you see him immediately?—No, but he came straight into the kitchen and put his hat on the chair.

You picked up the parcel?—Yes.

Was it tied up?—I don't remember.

Did you see Auburn go out that night?—No.

When you said Auburn had remarked that the car broke down, Mr. Lavan asked, "Where did the brain wave come from?" Do you think that a fair question?

His Honor: The jury won't be bothered with brain waves.

You mentioned to Mr. Lavan about the blood running down Auburn's arm?—Yes.

Did you ever see it come through his shirt?—Yes.

Did you ever notice a considerable quantity?—Yes.

His Honor: What do you mean by a considerable quantity?

Witness: A lot.

At the conclusion of her evidence witness asked: May I ask one question? Why have they not mentioned that Detective Purdine asked me to recognise a tube of cocaine, a cigarette holder, and a powder puff?

Mr. Parker: It was something which arose during the course of the inquiry.

His Honor: Is it evidence?

Mr. Parker: It has nothing to do with the case.

Witness: Well, why did they ask me to recognise it?

Mr. Lavan: I object to any questions about this.

His Honor: It has nothing to do with

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the case.

Miss Sadler occupied the witness box for five and a quarter hours.

And did you refuse?—I did.

He left when? About how long was he there altogether?—It was 7.40; I looked at the clock.

Who saw him off the premises?—My brother-in-law.

You do not know whether he took anything away with him?—He had nothing in his hands when he left the kitchen, bar his hat.

And he did not indicate where he would stay that night? You said he told you on the Thursday he would bring the car up about 8.15?—Yes.

And the question of his staying Friday night was discussed?—It was.

When he went away on the Friday he had been invited to stay?—He had.

And we know he did not return, although expected back. He said, in fact, he might be back to sleep that night?—Yes.

You were not clear about it?—He said he might.

On any other occasion has he been asked to stay and has not stopped?—Yes.

By the way, have you ever complained to him of keeping back things which you thought he should have told you?—Yes, several little things.

Mr. Lavan: Your Honor will see now it is material later on.

His Honor wondered whether it was "not the usual thing." (Laughter.)

THE WAGIN TRIP ONCE MORE.

When he got to your place on the Saturday after you had rung him up, who was there?—My brother-in-law, unmarried sister, and myself.

Did he remain long?—I was not there when he came, and while I was home he was there about three-quarters of an hour.

What time did you understand you were to leave on this trip on the Saturday?—I thought early in the morning.

No definite time was fixed?—No.

When he came up to see you the Saturday, he said he was sorry he could not keep his appointment?—Yes.

What appointment?—He did not say.

You told us you thought he said there was something the matter with the car. Are you sure he said that?—Yes.

Why did you say to Mr. Haynes "I think"?—I thought it over, and I don't say things unless I am sure.

When did you think it over?—Just now.

What else did he say about the car at that time?

AN INTERLUDE.

Before the witness could answer, Mr. Lavan made a discovery. Pointing to the table in front of witness, he asked, "Are those depositions in front of you?" "Yes," replied the witness, "but I am not looking at them." There was no doubt that the witness was paying no attention to the depositions, and Mr. Lavan told her he knew that was so, but it gave him a surprise. As a matter of fact, the examination was on a portion of the witness' evidence which was in the deposition, but was not open before her. His Honor joined in the hearty laughter which Mr. Lavan's surprised outburst gave rise to.

"PUT IT IN WRITING."

When the cross-examination was resumed, Mr. Lavan put further questions relative to Auburn's remarks about the car, and brought from the witness the statement that she "did not know it was coming to this or she would have put it all down in writing."

Mr. Lavan: Yes, it is hard to remember conversations after some weeks, especially when there is cross-examination.

You told us that he knew you and your family would be averse to him hiring a car?—Yes.

You did not want him to spend so much money?—Yes.

Did you hear him speak to Mrs. Moir about it?—No.

All you know is that subsequently he did arrive with the car?—Yes.

He came with Singe's car, picked up the Quigley girls, Mr. and Mrs. Moir, and the children, and then went to Osborne Park for his case and overcoat?—Yes.

Mr. Lavan: Did Auburn get an overcoat and bag from the Osborne Park Hotel?

Witness: Yes.

And the murder was discussed at the hotel?—Yes, but Auburn was not there.

Where did you stop on the road to Wagin?—At Armadale.

Some of the party left the car at Quartermaine's, near Wagin?—My sister, Mrs. Moir, and her husband children.

You and Misses Quigley, Auburn and Singe went into Wagin?—Yes, arriving at 1 a.m. Sunday.

You stopped at Armadale for refreshments?—Yes.

Was the murder discussed at Armadale when they were all together?—No. So far as I can remember the murder was not discussed during the whole trip to Wagin and back.

The car went to Quartermaine's next day and brought the Moirs in and subsequently all went back to the farm, with the exception of the Misses Quigley?—Yes, at 12.30 we went out.

Later, Allport's car arrived with the Quigley sisters?—Yes, but we had lunch before the second car arrived.

What time did you return to Perth?—About 9.30 that night.

Did Auburn go away with the car then?—No, he went later.

Was it wet the day you left Wagin?—Yes.

When did you see Auburn again?—About 7.30 on the tram near my place on Monday night.

A "FAREWELL" TRIP.

When was the Tuesday night trip arranged?—On the Monday.

Was it as a farewell trip because you were going to Wooroloo the following day?—Yes.

How were you sitting?—The Quigleys were sitting in front and (smiling) George and I in the back.

Did you hear any more of the murder after Singe mentioned it?—No, not until we went out on the Tuesday.

You do not remember whether Auburn passed any remark?—No.

You told Mr. Haynes that up to the time you went to Wooroloo, Auburn had not said anything about finding a coat?—Yes.

You have said that he was sometimes reticent?—Yes.

There was a telephone conversation?—Yes.

Was there anything said about your not having written to Auburn?—Yes, there was.

You did not remember that until I reminded you?—No.

Were you asked if you were sick?—Yes.

Did anybody say "you have written to your brother-in-law and not to me"?—I don't remember it.

But won't deny it?—No.

Did you say you were too busy attending lectures?—Yes, I believe I did.

Do you remember being asked if you remembered the last Friday you saw Auburn?—Yes.

A TELEPHONE CONVERSATION.

That is April 4?—Yes.

Did not that person on the 'phone say, "Wasn't I up at your place about 7 o'clock that night and left at 7.30"?—No, I do not remember that; I remember him saying, "Do you remember me being up at your place on Friday night?"

You cannot say the time?—No, I do not remember.

Did the voice say, "If anybody asks you anything you will be telling them the truth if you tell them what you told me now"?—No, I am positive that was not said.

Are you sure that you were asked if anyone had been to see you?—Yes, and I

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said "No." I was instructed to say that, as some one happened to be in the office. It was not true that no one had been to

- Will you swear that you were told if anyone saw you to give no information?—I will.

You don't remember what day it was on which the telephone message came?—No, I think it was a Tuesday.

Your memory is not too good?—The person who was in the office with me could probably tell you.

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Witness: Well, why did they ask me to recognise it?

Mr. Lavan: I object to any questions about this.

His Honor: It has nothing to do with the case.

Miss Sadler occupied the witness box for five and a quarter hours.

(Proceeding.)

13/6/24
There seemed this morning to be a falling off in the number of sightseers who wended their way to the Supreme Court buildings in the hope of gaining admission to the gallery overlooking the Criminal Court. The "overflow" was not nearly so large as on the previous days, possibly because the less ardent feared exclusion from the Court and a wait in the rain.

A noticeable feature this morning was the increased number of women who occupied the foremost positions in the gallery.

George William Auburn (21) is charged with the wilful murder of John George O'Neil, a taxi-driver, at Claremont on April 4. He is defended by Mr. M. G. Lavan, with Mr. J. F. Walsh. The Crown case is being conducted by the Crown Prosecutor (Mr. H. Parker) and Mr. A. G. Haynes.

DISCUSSING THE MURDER.

Lillian Elizabeth Jane Quigley, continuing her evidence, stated, in reply to Mr. Walsh, that it was the men who discussed the murder at Quartermaine's farm. The accused was standing a little away from the group. She could not say what distance, as she did not take much notice. It was after 2 p.m. on the Sunday when this occurred. On the following Tuesday she gave the accused Allport's address.

THE WAGIN TRIP.

William Singe, taxi-owner, who took the party to Wagin, resumed his testimony. He said that the farm was reached before mid-day. The murder was referred to during that meal. Afterwards they repaired to the front verandah, where witness spoke to Quartermaine. Accused came along a little later. He stayed with them about five minutes, and then left. While he was present, witness and Quartermaine spoke about the murder. When the party entered the car to leave it was again discussed. Witness heard Auburn remark, "A terrible thing." Perth was reached at 4 p.m., accused alighting at Moir's. Witness was not paid for the trip, which cost £21 1s.

Mr. Parker: Does that include another trip?

Mr. Lavan: Please, Mr. Parker!

Mr. Parker: I am only referring to the Wagin trip.

Witness: £19 for the Wagin trip. Preceding, he said that Auburn engaged him for another run on the following Tuesday evening, when Auburn, Miss Sadler, and the Quigley girls went on a trip to Cottesloe. Witness had not received any portion of the amounts. He had never driven Auburn along Westana-road. Excepting these two occasions witness had never driven Auburn in his car. Auburn never told witness he had found an overcoat or that he discovered the spot on Westana-road where the murder took place.

FARE NOT PAID.

Mr. Lavan: You gave your evidence at the inquest, that is over a month ago?—Yes.

Was that evidence correct?—To the best of my knowledge.

On the matters you gave evidence you told the truth?—Yes.

Your memory as to conversations would be better than—that's reasonable?—Yes, that is reasonable.

Have you discussed your evidence with anybody?—Yes, this morning with Mr. Parker.

And you were in the box yesterday. Did you say in the lower Court that Auburn said he would pay you for the Wagin trip on the Tuesday?—Yes, I believe I did. He said he would pay on the Monday or the Tuesday.

Did you expect to get back on the Sunday?—I did not know.

Did you not say previously you would be paid when you got back on the Sunday?—Yes. I expected payment on my return.

AN OBJECTION DISALLOWED.

When Mr. Lavan put the last-mentioned question Mr. Parker rose in his place with the evident intention of objecting, but was not allowed to proceed. His Honor said he would not have the cross-examination interrupted.

Mr. Parker: But, pardon me, your Honor.

His Honor: No, you must not interrupt.

Mr. Parker: But, your Honor—

His Honor: I am not going to have the cross-examination interrupted. Will you sit down, Mr. Parker?

Mr. Parker thereupon sat down.

TRICKS OF MEMORY.

Mr. Lavan: When you came back to Woodroyd-street, Auburn said he would pay you on Monday or Tuesday?—He engaged the car for the Tuesday.

Do I understand that he first said he would pay you when he returned?—That was at the Post Office.

And what did he say there?—On our return—

Now, Singe, did you say this at the lower Court: "He came to the car and said, 'I want you to go urgently to Wagin, somebody sick. I will pay you when I return on the following Tuesday?'"—If it is down on the depositions I suppose I did. (After being shown the deposition): It is my signature.

You did say it?—It is here.

Was not your evidence read by the Coroner, and you said it was correct?—Yes.

Was it true?—It is only a matter of memory.

Exactly. But is it true?—Yes.

Then what you say here is untrue?—I would not say that.

You told us yesterday it was an urgent case of a lady sick in hospital at Wagin—is that right?—Yes.

Did you say it before?—If it is there, I did.

But it isn't in the depositions, you see? How long have you known Auburn?—Ten or eleven years.

You picked up the Moir family first?—I forget exactly.

You said Auburn never told you about an overcoat, except to drive out to the hotel to pick up his coat and bag?—Yes.

It had been raining during the morning?—It was starting to drizzle about 3.30.

Was it a threatening morning?—A bit dull.

You went to the hotel and picked up the baggage, and then to Wagin, and you both stayed at the Federal Hotel?—Yes.

You arrived at 1 or 2 a.m.?—Yes.

On the road down you said there was no mud, but a few splashes on the way back here and there?—One or two crossing the creeks.

You and Auburn both had your baggage?—Yes.

Did you have a bag?—My things were not in a bag. I lost my pyjamas on the way down.

CONVERSATIONS AT QUARTERMAINE'S.

Next morning, you say, you went to the hospital; he went in and you stayed outside. You said yesterday you were walking on Quartermaine's verandah, and occasionally Auburn came along and walked close by?—You are referring to the hospital.

No, did you say he would occasionally walk close by?—Yes.

Did you say you could not say whether he heard your conversation or not?—He was within hearing.

Did you say it or not?—Yes, he was close enough to hear.

His Honor recollects you saying he was at the back of the house; I take it he came around?—Yes.

You went on to say occasionally he would walk close to you and Quartermaine?—Sometimes he was close up to us.

Not for long though?—He would stay a minute or two, and he moved away before returning.

How long would he wait?—A minute or two, and go back again. He walked to and fro.

What was the longest time?—A minute or two at a time.

Did he stop and stand with you?—He kept walking.

Then he did not stop?—He may have stopped.

Well, did he?—I cannot remember.

You have a bad memory?—I admit that.

You admit that?—Yes.

Did you not tell the jury he stopped for five minutes?—Well, he was walking along.

You do not know whether he heard a word of the conversation?—I think he must have.

How close was he?—Almost touching at times.

Did you not swear yesterday that the nearest he was was five yards?—I must have.

Mr. Parker (to Mr. Lavan): Because you said it.

Mr. Lavan: That is an improper suggestion. I ask you to keep quiet, Mr. Parker.

That being so, what you said yesterday and what you say to-day—one of them must be untrue?—I don't think so.

Obviously one of them must be wrong?—With men on a ten or eight foot verandah, with a man walking along, he would be almost touching them at times.

His Honor: Was he walking right around?

Witness: No, just along the front.

How wide is the verandah?—Nine or ten feet.

Mr. Lavan: When you said yesterday that when you and Quartermaine were talking he remained five minutes, what did you intend to convey?—That he was walking along for five minutes.

You admit you have a bad memory?—I have not a good one.

It is two months since you were down there?—Yes.

DISCUSSING THE MURDER.

Is it true that the murder was discussed at the dinner table?—Yes.

Who was present at the dinner table?—All, bar the two Misses Quigley.

Have you ever before stated that there was a conversation at the table—at the Coroner's Court?—I was not asked.

You were asked about these conversations about the murder?—Yes.

Did you suggest this?—No, I didn't.

That is, conversations at Quartermaine's?—Yes, and I think I said there were conversations about it at Quartermaine's.

At the time of this walking up and down business and you talking to Quartermaine, had the others arrived?—As they arrived it ended.

Were you not asked at the Coroner's Court this question, Was there not any mention of the murder at Quartermaine's farm?—There was.

But were you asked it?—I think so.

You did not refer to that at the table?—I was not asked.

But you were asked about the conversations at Quartermaine's?—It was spoken of all the time.

Why did you not say there was a conversation at the dinner table?—I was not asked.

You have said so; do not evade the question. You were asked about these conversations. Do you think you said it?—I don't know.

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Would you like to see your depositions?
—No, I forget.

But you have had two interviews with Mr. Parker. (Shown the depositions.) Now, do you say you did not say it?—I may not have, but it was mentioned there; it was the topic of the day.

To be fair to you, did you say this at the Coroner's Court: "I first heard of the Crawley murder about 11 a.m. At 2 p.m. in Auburn's presence it was again referred to, and it was said it was a dastardly thing to do." That is at Quartermaine's farm. Was it when you and Quartermaine were talking?—We were talking after lunch.

This incident referred to your conversation with Quartermaine?—He and I had a conversation.

In Auburn's presence?—Yes.
That would be to what you refer?—Yes, it would be that conversation.

You now tell us that in the presence of the whole party in the motor car you said it was a dastardly thing to do?—Yes.

Auburn passed the remark?—Not to my knowledge.

He said nothing at the dinner table or to Quartermaine?—No; I don't remember him saying anything about it at Quartermaine's farm the whole time we were there.

Now listen to this in your evidence-in-chief. "When the car was at the house a conversation about the murder cropped up," is that right?—Yes.

"Auburn was there when they were in the car a moment or two before me left, and that was the time of the conversation," is that correct?—Yes.

"Accused sat next to Miss Sadler; I did not join in the conversation," is that correct?—I said it was a dastardly act.

But you said you did not join in the conversation?—I said that.

"I heard him say it was a terrible thing"—is that correct?—I forget whether he did.

But you have already sworn half a dozen times he did not.—I think he did.

But you said he did not join in the discussion about the murder at Quartermaine's at all.

His Honor: When did you say it was a dastardly thing?

Witness: I cannot remember whether it was on the way down or on the way back.

Mr. Lavan: Singe, you have no recollection of him saying anything in the car?—No.

Why did you say "at the car"?—I am not sure.

Did you say that at the Coroner's Court?—If it is in the depositions I did.

His Honor said that the witness could not have been expected to learn his evidence and his depositions by heart.

Mr. Lavan: Look at them. Did you say it?—I don't know.

It's not there, is it?—No.

On the Tuesday you again took Auburn out; the arrangement was made on the Sunday?—Yes.

You had not been paid, but you were content to make the second trip?—Yes.

Re-examined, witness said the reference to "a dastardly thing" may have been made on the Tuesday.

Mr. Lavan objected to this question, but his Honor ruled that Mr. Parker was entitled to seek an explanation.

Witness told his Honor that he had known Auburn, sen., about 12 years. He knew him when he had a hotel in Fremantle, the Bedford Hotel, and now at the Osborne Park Hotel.

WAGIN DETAILS.

Charles Jost, yardman at the Federal Hotel, Wagin, said he first saw the overcoat (produced) about 6 a.m. on April 6. It was in one of the mangers in the stalls in the hotel yard. Witness took it to his room. He locked the door of his room when he was out of it, and kept the key in his pocket. Witness put the overcoat in his room, and it was afterwards given to Allport. That was the following day, Monday.

Mr. Lavan asked no questions of the witness.

Robert Norton, night porter at the Federal Hotel, Wagin, said he saw accused with the motor driver (Singe) about 2 a.m. on April 6. They stayed the night. Witness did not know who paid for their accommodation.

Constable M. O'Brien, who is stationed at Wagin, said that about 8 o'clock on the night of April 9, he received a telephone message. He interviewed Allen Keith Allport, as the result, in connection with the overcoat (produced). Witness wrapped it in a parcel and despatched it to Inspector Condon.

Herbert Burrows, delivery clerk employed in the railways parcels post department, recollected on April 10, a parcel being received in the wrapping (produced). It was in good order and condition when handed over.

Constable George Wm. Robinson, testified to having delivered the parcel to Inspector Condon.

THE OVERCOAT AT WAGIN.

Allan Keith Allport, an employe of Malcolm's Stores, Wagin, remembered a party arriving at that place between 1 and 2 a.m. on April 6. The Misses Quigley and Miss Sadler stayed there. Later that day he went to Quartermaine's farm, arriving after 2 p.m. He heard a conversation about an overcoat. One of the Misses Quigley asked Auburn if he had his overcoat. Auburn said it was in the back of the car. Miss Quigley looked for it, and while she was so doing Auburn talked to members of the party. Miss Quigley pointed out that the overcoat was not in the car, whereupon Auburn said he must have left it at the Federal Hotel. Miss Quigley asked witness to collect the overcoat, and he promised to do so. Auburn was the next to speak to witness, telling him he thought the yardman would know where the coat was, because he had said to him, "Don't go away and leave that coat." Witness asked Auburn to describe the coat, which he did, and it was arranged that witness should send it to Perth by a car, which witness knew would be leaving shortly afterwards. The coat was to be left at Armstrong's garage. Auburn did not tell witness that he had found the coat. Witness got the coat from Jost on the Monday and took it to the chaffhouse at Malcolm's store and hung it up, where it remained until Constable O'Brien called for it. It was then in the same condition as when he received it. No communication from Auburn about the coat was received by witness.

Continuing, witness said he could not remember if there was any conversation about the murder at Quartermaine's in Auburn's presence.

Mr. Lavan: Did Auburn say, "I think the coat is in the back of the car"?—Yes.

And he told you where he left it and described it?—Yes.

Was Singe there then?—No.

You were there when they started off?—Yes.

Mr. Parker: What was the conversation then?

His Honor ruled the question inadmissible.

THE NIGHT OF APRIL 4.

Alfred Henry Eddy, an engine driver living at the corner of Palmerston and Bulwer streets, said he had known the accused and his family several years. On the night of April 4 witness saw Auburn at the Mt. Hawthorn tram terminus about 11.45 p.m. Witness bade him a casual good-night. They were waiting for the last tram to Osborne Park. It was a warm night. Auburn wore an overcoat. Witness would not be able to identify him again; although it looked a dark, rough and heavy coat. They boarded the last car, which was not filled. Several seats were vacant. Witness sat inside, Auburn travelling on the front platform with the motorman. Witness could not say whether the coat was buttoned up.

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AUBURN SAWS WOOD.

Witness had seen Auburn using a cross-cut saw on a jarrah tree at Osborne Park. He was not wearing his coat on that occasion. Witness noticed blood on his shirt sleeves.

Mr. Lavan smiled broadly.

Continuing, witness said they bound his arm with lint. Auburn continued to saw subsequently.

Mr. Lavan: How long were you waiting for a tram?—I got there about 11.45 p.m.

He was already there?—Yes.

There was nothing wrong with him—he appeared to be the same as usual?—So far as I could see.

Is it not a fact that almost invariably on that tram he stands with McKenzie, the driver?—Yes; in fact I often ride there myself.

When Auburn was sawing wood you saw blood on his sleeve?—Yes.

Who bound it up?—My eldest boy.

Was it trickling?—It was showing blood.

It was necessary to bind it up, anyhow?—Yes.

Mr. Haynes: You saw blood was running down his arm?—Not running down, perhaps a couple of inches.

What were the size of the spots on the sleeve?—Oh, a fair size. I was anxious about it, and thought it wanted an antiseptic.

What did you put on it?—Iodoform.

Any other occasions?—Yes, when he and witness were attending to a motor truck.

Was that heavy work?—Oh, no.

Do you know if he knocked himself?—I could not say.

Did it bleed much?—Not very much.

Did you bind it up?—Yes.

How far did the blood come down?—I could not say.

FISH AND CHIPS SUPPER.

Ena Isla Golding, who with her sister conducts a fish and chips, and soft drinks shop in Oxford-street, said she knew Auburn as a frequent customer. When he went there he invariably did so for cool drinks. The accused was at the shop on April 4, between 11.30 and 11.45, calling for fish and chips. They were paid for by the accused, but she could not say the exact amount. The smallest payment for fish and chips "she imagined" was 6d, but Auburn paid more than that. He was dressed in a dark overcoat, and wore a good, light felt hat. She thought the color was dark grey. She could not swear to the overcoat. The hat (produced) was shaped in the manner that Auburn wore his, but she could not positively say it was the hat. Auburn, since April 4, had been in the shop. He called at the shop frequently until the night prior to his arrest. She did not notice any difference in the hat on those occasions. He did not wear an overcoat at these times.

Mr. Lavan: It was always late when he called?

Witness: Generally at the same time, between 11 and midnight.

Do you remember him getting fish and chips before?—I don't, although he might have done.

The time you gave on April 4 was approximate?—Yes.

What quantity he was served with you don't know?—No.

You saw your sister serve him?—Yes.

But did not hear the amount?—No.

How far would it be from your place to the Osborne Park tram?—There are only two tram stops, and they are very close to each other.

Lorna Dorothy Mary Golding substantiated her sister's evidence. Auburn, she said, paid for fish and chips. She could not say the amount, but she did not think it would be less than one shilling.

"AS A GENTLEMAN."

Mr. Lavan: His appearance was the same?

Witness: He always treated us as a gentleman, Mr. Lavan.

Yes, I know; but apart from the over-

coat, his appearance was always the same?—Yes.

His Honor: Can you say what kind of suit or what color he was wearing on Friday night?—No.

THE NUMBER PLATES.

Alice Mary Place, bookkeeper at the office of Abbott and Rich, signwriters, said she had seen the accused at the office on April 3. He spoke to the foreman of the workshop, Mr. Nelson, and asked for a pair of number plates to be painted "P 38." The number plates were made and brought to witness, who handed them to Miss Sadler, who called for them about 3.30 p.m. on the Friday.

Mr. Walsh: How do you fix the div the accused called?

Witness: We have a record. George Nelson, signwriter, employed by Abbott and Rich, gave evidence about the number plates.

Mr. Lavan: Did he say the plates were for the Osborne Park Ward of the Perth Roads Board?—Yes.

A WARM NIGHT.

William Patrick Leen, chemist in Oxford-street, Mount Hawthorn, said he knew Auburn by sight. On the night of April 4 he was at a boxing contest at the Esplanade Gardens. It was a "pretty warm" night, and some people around the ring had their coats off. Witness travelled home to Mount Hawthorn that night on a tram about 11.20. Up to the Leederville Hotel the back platform was "fairly full," but it emptied there. (Laughter.) Auburn was also on the tram, having boarded it either at the Leederville Hotel or beyond that point. Vincent-street was the next street after the hotel. His attention was attracted to Auburn because of the fact that the accused wore an overcoat. Witness did not notice where Auburn got off the car.

Mr. Lavan: You cannot give us the exact time?—No, not to the minute.

Do you know what time the contest finished?—No.

You walked down to Wellington-street?—Yes, and had a conversation when walking along Hay-street.

Then you cannot say what time the car left?—No.

How many were on the platform when Auburn boarded the tram?—Two, someone else and myself.

Mr. Haynes: Was it after 11 when you caught the tram?—Yes.

THE HOTEL HOUSEMAID.

Marie Coombs, a resident of Osborne Park, said she was employed at the Osborne Park Hotel for six weeks, leaving about a week after Easter. During that time her duties affected the accused's room, which she had to clean out. She did this about 9 a.m. as a rule, and did not go near it at other times. About the time of the murder witness noticed an overcoat hanging behind the door of Auburn's room. She did not think she would recognize it now, having seen it only once. Witness also made the accused's bed. On one occasion, early in April, and after "the Crawley affair," the accused went away, and did not use his bed for one night.

A MYSTERIOUS PARCEL.

It was also her duty to sweep his room, and at one time she came across a parcel about 15in. long, and an inch in diameter, wrapped in newspaper. Witness knocked it, and it rolled along. It made "a bit of a noise," and seemed to be "a piece of iron." It was about the time Auburn was repairing the motor cycle of the boy Johnston. She did not remember the date, but it was "easily" a week after the Crawley incident. One morning she went to the bathroom for a jug of water. It was after "George had been to Wagin" He told witness he had been away to the south-west. The bathroom incident was on the Monday or Tuesday following. When she went for the water she saw some dark clothes lying in water in the bath.

(Proceeding.)

In reliable quarters it is anticipated that the greater part of three weeks will have elapsed by the time the Dalkeith murder trial proceedings will be completed. Accused, George William Auburn, is charged before Mr. Justice Draper and jury with having, on April 4, willfully murdered John George O'Neil, taxi-driver.

Accused pleads not guilty, and is defended by Mr. M. G. Lavan and Mr. J. F. Walsh. Mr. Hubert Parker (Crown Prosecutor), assisted by Mr. A. G. Haynes, conducts the prosecution.

When our report of yesterday's proceedings closed, Eileen Coombs housemaid at the Osborne Park Hotel, was in the box. She was then cross-examined by defendant's counsel.

Mr. Lavan: Was the old coat on the chair when you left?

Witness: Yes.

When you were there did you not see him with any other clothes?—No.

You only saw the overcoat on one occasion?—Yes.

He slept in the room on Friday night, and you did sit out on the Saturday and Sunday?—Yes.

Auburn used to do a lot of repairing of bicycles, etc.?—Yes.

You were once away from your employment?—Yes, for a couple of days.

George used to keep spare parts and bars in his room?—I did not see any.

Are you sure it was after the Crawley affair that you saw this parcel?—Yes.

Did you ever have need to go to the fireplace in the room?—No.

You never picked this parcel up?—No.

Did it move along flat when you touched it with the broom?—I could not say.

You cannot say whether it was round or flat?—It looked round when it was wrapped up.

Did you see how he was dressed when he went to Wagin?—No.

What time was it when you went into the bathroom?—It was after nine.

There was nobody in the bathroom?—No.

The door was open in the ordinary way?—Yes.

It was either the Monday or the Tuesday?—Yes.

What was in the bath?—Dark material.

You cannot say if it was a suit or what it was?—No.

In the Lower Court you said you thought he said he got his clothes splashed with mud. When did you find it out?—The moment I said it I knew I should not have said it.

The Coroner read your evidence and you signed it. Did you correct it then?—I don't remember.

Anybody been interviewed by you?—Mr. Parker, once.

Any of the detectives?—No.

Was it not when you saw Mr. Parker that you first knew you used the words "I think"?—Afterwards I realised I was quite wrong.

When you were giving your evidence?—No.

The same day?—Yes.

You told me it was while you were giving your evidence.

His Honor said there was no need to intimidate the witness.

Mr. Lavan retorted he was not. He had a duty to perform, and he intended to do it. (To the witness): Did you see Auburn about the house that Saturday morning?—He was down at breakfast.

You don't know what suit he was wearing?—No.

Where were you when he asked for the cloth?—Upstairs.

You could have gone in when you chose?—I suppose undoubtedly I could.

The parcel in that room, Auburn would know you swept out the room every morning?—Yes.

And the easiest place for you to find it would be under the bed?—I suppose it would.

Re-examined: Auburn kept the suits he

was not wearing on the backs of chairs in his room. She did not remember seeing the washed clothes on a chair. The fireplace contained a small deal box; she did not know its contents. It was after 9 a.m. when she saw the material in the bath. To her knowledge the boarders did not use the bath after 9 a.m.

As she was leaving the Court the witness was seen to almost collapse. Police officials attended to her while she wept bitterly. She soon recovered her composure.

George Stuart Ford, of Winterbottom's Ltd., said he had known Auburn for about five years. Within the last six months Auburn had not approached witness with regard to the hire, loan or purchase of a motor car.

Mr. Lavan: Do you remember George Auburn breaking his arm and being put on the insurance fund?—Yes. I do know.

Mr. Haynes: Which arm?—I think it was while he was cranking a motor car; if so, it would be his right arm.

Edgar B. Curlew, Commonwealth Meteorologist, supplied comparisons of the temperatures of January, February, and March as against that on April 4, 9 p.m. being the selected time.

The Court adjourned until 10.30 a.m. on Monday.

On the completion of yesterday's hearing there were 17 witnesses for the Crown yet to be examined.

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When the Court assembled this morning to continue the hearing in the Dalkeith murder trial there was another "capacity house" in the public gallery, while a large number who failed to gain admittance found the warm sunshine outside the Court inviting. They waited around the doors in the almost vain hope of finding a place later on.

Defended by Mr. M. G. Lavan, who has Mr. J. F. Walsh with him, George William Auburn (21) is charged with the wilful murder of John George O'Neil at Dalkeith, Claremont, on April 4.

Prior to the resumption of proceedings, policemen and clerks walked into court carrying further exhibits in the shape of she-oak bushes wrapped up in hessian. They signalled the calling of the detectives to give evidence.

The Crown case is being conducted by the Crown Prosecutor (Mr. H. Parker) and Mr. A. G. Haynes.

"AN UNCOMFORTABLY WARM NIGHT."

The Commonwealth Meteorologist (Mr. E. Curlewis), continuing his evidence, said he considered that at 9 p.m. on April 4 it was "an uncomfortably warm night." It had not appreciably improved by 11 p.m.

THE LAST TRAM HOME.

Norman McKenzie, motorman on the Government tramways and a resident of Osborne Park, testified to having known Auburn for about 12 months. Auburn boarded the last tram to Osborne Park on the night of April 4. He travelled on the front platform, standing throughout the run. Auburn wore an overcoat, and had his hands in the pockets. Witness could not say if the overcoat was buttoned. When they reached the terminus Auburn asked him for a match, which accused said he required "to see his way in." He took some matches from the box witness offered him.

"I FEEL CROOK.")

Auburn then asked if witness would do him a favor. He said he would, and asked what it was. Auburn replied, "I feel crook to-night. Will you walk up to the hotel with me?" Witness agreed. That had not happened previously. Witness gave Auburn no assistance, simply walking with him as far as the side gate. He struck a match and said "Good night," and witness left. The overcoat was heavy, and witness could not swear to the color and would not recognise it again. Auburn wore a light felt hat, which was usual. Witness had chaffed Auburn about his hat. Auburn referred to witness as "Mac"—everybody did, and witness addressed him as "George." The hat (produced) was like that Auburn wore. Auburn's hat had braid around the rim, and so did that exhibited in Court.

THE FINDING OF THE OVERCOAT.

On April 7 or 8 Auburn caught a morning tram from Osborne Park and told witness he had "picked up an overcoat on Friday night coming under the subway." He added that he had left it at Wagin, and he was going in to inform the police that he supposed the overcoat was John O'Neil's. On the night of April 4 Auburn did not mention being jostled or bumped by anyone. "Something was mentioned about slipping downstairs or something to that effect." He did not say when he slipped down stairs. He said his arm had bled, and that was the cause of it. Witness saw no blood.

AN ALIBI.

On Monday, April 14, said witness, accused asked if witness remembered Friday night, refreshing witness's memory by reference to the walk from the tram to the hotel. When witness said he did accused said that was all he wanted to know. Witness asked the reason for the question, and the accused said "You must know." Witness said he did not, and accused said, "I want you to prove I came home in that car, and went to the hotel; my name has been mixed up

in this murder case." Before his (accused's) departure for Wagin, he mentioned the trip to witness, saying he was going early on the Saturday.

Mr. Lavan: On every occasion going home he stood on the front platform?

Witness: Yes.

On that tram do you remember Mr. Eddy and Jack Garner?—Yes.

Where were they riding?—Garner was on the platform for a little while, but then went inside; I think Eddy was on the back platform.

Do you know Auburn has a bad arm?—Yes.

Have you seen it bleeding?—No.

You have seen a bad scar on the back of his hand?—Yes.

Bleeding?—No.

You have seen it in a bad condition?—Yes.

When he asked you to remember the tram incident, he was asking you to remember something that was true?—Yes.

You say he had an overcoat on with his hands in his pockets?—Yes, he did not have his hands in his pocket when he paid his fare.

NO BLOOD NOTICED.

You noticed nothing unusual about him that night?—No.

You said before you saw no blood at all?—I still say so.

He was close to you?—Yes.

Did you see any part of his clothing?—Only that he had dark trousers and a night hat.

That hat which Mr. Parker referred you; you can't say if that was the hat?—No.

You noticed nothing about the hat and he was close to you?—No.

You cannot say whether it was April 7 or 8 when he mentioned going to the police?—It was one of those days.

You said first that Auburn told you he was taking the coat to the police, and then you corrected yourself—you remembered it was in Wagin.

His Honor: He did not say he was taking it.

Mr. Lavan: He said at first. (To witness): Didn't you?

Witness: Yes.

Isn't this what he said: That he had been in to the police about the coat?—No.

May he have said it?—Yes.

It was a fortnight afterwards you were asked to remember the conversation?—Yes.

When was O'Neil's name mentioned?—On April 7 or 8.

What was it again?—I'm not clear whether he said it was O'Neil's coat or O'Neil's supposed coat. I said it in the Lower Court.

Have you been through your evidence with anyone?—No, I just scanned it over in the paper.

On the night of the fourth, what did he say about his arm?—That he either slipped or fell down the stairs, and his arm bled again.

Did he say is or has been bleeding?—Has been bleeding.

Are you sure he said something about slipping down a staircase, or something like that?—Yes.

Were you sure in the Lower Court?—Well, it was mentioned.

I know, but were you sure of it then?—As sure as I am now.

You would be in a better position to remember in the Coroner's Court?—Yes.

Do you remember using the words "I think he said"?—No.

Would you like to see whether you did?—If it's there I'll believe it.

If you did say it, it would imply you had some doubt about it?—It would.

Do you know if that arm used to cause him trouble at times?—I do, but only by him telling me about it.

Do you remember how, when travelling on the platform with others, he was careful to keep away so he would not get bumped?—Yes.

When did you remember about his going to Wagin?—He mentioned it in several conversations.

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As a general rule, did he catch the last tram?—Well, the last two, 11.18 and 11.50. More often 11.50?—About fifty-fifty.

Mr. Parker: You collect the fares?

Witness: Yes.

AUBURN PAID TRAM FARE.

Did Auburn pay a fare that night?—Yes.

Do you remember which hand he used?—No.

Did you see any blood on the hand he used?—No.

Did he have to put it in his trousers' pocket?—Overcoat pocket, I think.

Who is Jack Garner?—A young man.

Where does he reside?—He is a gardener in Albert-street.

Was he in conversation with Auburn?—I think they spoke.

At this stage Mr. Lavan said he was not called Garner, and Mr. Parker did not proceed with the questioning.

On what hand is that scar?—The right hand, I think.

Do you remember when you saw it and what was wrong?—No.

Have you ever seen anything wrong with the hand?—A big scar.

How long is it since you saw the scar?—I could not say.

WESTANA-ROAD DISCOVERIES.

Thomas Robinson, police motor driver deposed that he went on April 11 to Westana-road, having Detective-Sergeants Purdue, Doyle, and Kennedy, and Auburn as passengers. They were directed by Auburn and stopped at a spot about half-way along the road. He was present when the ground was examined, and saw Kennedy pick up a piece of glass. Auburn was also there. It was near the spot where the she-oak was pushed over. Auburn said it looked like a piece of glass from a spotlight. Witness saw the piece of glass fitted into the spotlight (produced).

Mr. Lavan: Where this was picked up it was evident that a car had been there; you saw the tracks?

Witness: Yes.

And the broken tree?—Yes.

No other part of a car but the spotlight is mirrored?—No.

And seeing the car had been there, and the tree had been broken down, it occurred to you it must have been a spotlight?—I never gave it a thought.

It would occur to you?—Probably.

C. E. QUARTERMAIN'S STORY.

Charles E. Quartermain, a new witness, said he was a farmer residing at "Mayfield," West Wagin. He remembered the party coming to Wagin about April 5. They were all "perfect strangers" to witness except Miss Sadler.

Witness proceeded to enumerate the members of the party, and commenced by referring "to this fellow Ormond, or what you call him."

Accused joined in the burst of laughter which succeeded this remark. Witness said he was introduced all round. Some time after their arrival Singe, Auburn, and witness were together.

His Honor: So far we have had no suggestion of such a conversation on the Saturday.

Mr. Haynes: Your Honor will see why. "DID YOU HEAR OF THE MURDER?"

Proceeding, the witness said Singe, the driver, remarked: "Did you hear about this terrible murder this morning?" Witness said he had not. Auburn was present. He (witness) said he would not hear of it until he received a paper, and asked how it happened. Singe remarked that from what he could hear the murdered man had been knocked about with a bottle. He added that the murdered man was a motor driver, and did not have an enemy in the world. Singe then turned to Auburn and said: "Do you think he did." Auburn replied "No." Singe also said he thought two or three must have done it, and Auburn agreed with him.

"MOST TERRIBLE MURDER."

While Singe, Auburn, Moir, and witness were together the following afternoon, Singe said he would like to see the paper and read about the murder, which he regarded as the most terrible that had ever been in Perth. He asked Auburn if he thought it was that, and Auburn said he did.

QUARTERMAIN'S EVIDENCE CONTINUED.

Mr. Lavan: When were you first asked to remember all these conversations?

Witness: Last Saturday.

April 5 to June 14; this night they arrived, who went to the shed with you?—Singe, and I think Auburn.

You think?—I would not be sure. It was dark this night, and I am a bit—

A bit shortsighted, so you can't really say whether Auburn was there or not?—Oh, yes I could, I could tell the difference between a man and woman at 15 yards. (Loud Laughter.)

Where was Moir?—On the verandah talking to the wife.

You can tell me now, after two months, where the different parties were?—Yes.

You have a fair memory?—Yes.

Was this conversation a matter of about a minute?—Oh no, a few minutes.

The mention of the murder at the table finished the conversation about it?—Yes.

You went on to the verandah with Singe?—Yes.

Was Auburn there?—No.

AUBURN WAS PRESENT.

Re-examined: Witness was certain the conversation on the Saturday night was conducted in Auburn's presence. Auburn was referred to, and might have been a little distance off in the darkness, but he was referred to, and witness heard his voice.

Granted permission to ask another question, Mr. Lavan said:—You say he was a few yards away in the darkness?

Witness: Yes.

And you heard his voice?—Yes.

You are a bit shortsighted, you couldn't see him; how do you know it was Auburn's voice?—When I would hear a voice alongside me I would turn round (giving an illustration from the box).

So you did look at him?—Too right, I did! (Loud laughter.)

DETECTIVE-SERGEANT DOYLE.

Detective-Sergeant John Doyle said that on the morning of April 5, he went with Purdue and Kennedy to Crawley, where they arrived about 9 a.m., and found the dead body of a man on the edge of the water. There was a handkerchief there with the initials "J. O'N" on it. Witness saw a drag mark and motor car tracks. On Friday, April 11, about 2 p.m., witness saw Auburn at the detective office with Purdue. It was arranged that Auburn should go with witness and show the exact spot where he found the overcoat. On the way there Auburn said, "On Monday afternoon last I was on the road between Claremont and Nedlands, and I saw tracks where a motor car had broken down some scrub, and also tracks where something had been dragged into the bush and dragged out again. I will show you these tracks if you like." Witness said, "All right, I will get you to show them to us." At the subway Auburn indicated a spot on the north-west corner of the subway near a street grating, and said that was where he found the coat. On the way to the detective office Auburn said, "What about those tracks I told you of, aren't you going down to see them?" Witness said he was first going back to the office to get Purdue. After a conversation about the tracks, Purdue, Kennedy, accused, driver Robinson, and witness left for Westana-road.

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AT WESTANA-ROAD.

Witness, continuing, said they went to the spot in Westana-road, being directed by the accused. The photographs (produced) were taken on the Saturday morning, and showed the spot as they found it, except for a shovel and sticks with paper at the ends of them, which indicated tracks.

Mr. Parker said he did not propose to call as a witness the person who took the photographs.

Mr. Walsh said the defence might be supplied with copies.

Mr. Parker said he would make an effort to secure copies.

The jury and his Honor perused the photographs.

Accused, proceeded the witness, indicated tracks where a motor-car had run off the road, and apparently broken down the sheoak scrub and a gum-sucker. The tracks of the front wheels were off the macadam, and the left rear wheel was just on it. Auburn also indicated two drag-marks, leading from the stump in the sheoak scrub fifteen paces into the bush from the road.

"WHERE IT WAS DRAGGED."

The accused, said witness, pointed to a drag-mark on the Claremont side, and said, "That is where it was dragged in," and pointing to that on the Nedlands side, he said, "That is where it was dragged out." Presuming it was a motor car, if it had run into the bush as indicated by Auburn—

To his Honor: The way the scrub was broken down, and where the tracks stopped would indicate which way the car was going—towards Claremont.

Resuming, the witness said the side nearest Claremont would be the front portion of the car. The drag mark was similar to that seen by witness at Crawley.

His Honor wanted Mr. Parker to clear up the matter of the motor car track and the drag mark separately.

MOTOR CAR TRACKS.

Mr. Lavan remarked that this passage of the witness' evidence was pure theorising.

Witness said one of the drag marks led from the car and branched off; the other came back over the same track for a distance, and then branched off. There was nothing to show which way the object was dragged. The car apparently bumped into the stump, knocking it down, and stopped immediately.

BLOOD AT WESTANA-ROAD.

The tracks formed almost a letter "Y." After accused pointed out where the tracks had gone in and out, Kennedy called, "There's blood here," and almost simultaneously Purdue called, "There is blood here also." Auburn could hear. Kennedy was at the spot indicated on the photo by the shovel, and Purdue where the sheoak had been broken down. Witness picked up two locks of hair at the spot indicated by the shovel, and a couple of feet from the broken sheoak he found a third hanging on a twig. Witness took samples of sand, and twigs, which seemed to have blood on them, and left Westana-road about 6 p.m., leaving some constables in charge.

A HIDDEN HANDKERCHIEF.

On the way to Perth Auburn said he had not yet seen the overcoat, which the detectives received back from Wagin, and witness said he would show it to him. When it was shown to him accused recognised it as the coat he had found under the subway. Kennedy and witness examined the coat, and inside the lining found the handkerchief (produced), which had on it the name "J. O'Neil." Later that night witness, Purdue, and accused went to the Osborne Park Hotel. In accused's room in the upstairs portion of the hotel, on the back of a chair covered by other clothing, he found the coat and trousers produced. The trousers and coat had the appearance of having been recently washed, but not pressed.

THE LOST BUTTON.

Accused in reply to witness said he washed the clothes about two weeks previously, because he had dirtied them when

working on a motor car. He said he first used petrol and then cold water and soap. Witness pointed out to Purdue a small hole, and Auburn said, "There used to be a link button there, but I lost it about six months ago, and I cut a hole in the serge when cutting the link off."

AUBURN'S INJURED ARM.

Witness, continuing, said Sergt. Purdue then produced a button, and indicated the button on the coat. Accused said, "They're alike alright!" Sergt. Purdue took possession of the coat and trousers, also three waistcoats. At that time accused was dressed in another blue suit. There was also a grey suit and a dirty blue coat and trousers in the room. Witness examined the coat Auburn was wearing. He removed the coat showing them the wound on the arm. Witness saw "a large sort of weal" there. It appeared to be an old wound, and was not bleeding. Auburn directed their attention to his shirt sleeve, which showed traces of a pussy yellow matter, with traces of blood through it. There were similar marks on the sleeve of his coat lining. These were over the spot where the wound was found. Auburn also showed them the inside of the sleeve of his pyjama coat, which showed the same marks.

WOULD GIVE SATISFACTION.

When they returned to the detective office a statement was taken from the accused, witness being present part of the time. Afterwards witness, Purdue, and the accused proceeded to the house of Dr. Barker in Hay-street West. The arm was examined by Dr. Barker, after which the detectives took the accused back to the hotel. Witness next saw Auburn at 2 p.m. on Saturday, April 12. Auburn was at the detective office and remained there until about 7 p.m. Witness heard Purdue say to the accused, "You say that if you are allowed to go until 2 p.m. on Monday next you will then return to this office and give the authorities satisfaction regarding the murder of the late John George O'Neil." Auburn said,

"Yes, Satisfaction To You, But Not To Me."

On Saturday, April 12, witness went to Westana-road and was present while a photo of the spot was taken just as it was when it was first pointed out by the accused, with the exception of marks made when the detectives were there. He took possession of certain she-oak scrub, which had been apparently knocked over. The she-oak was produced. There was also some she-oak attached to the stump and at the spot indicated on the photo by the shovel, which he brought to Dr. Atkinson. They appeared to have blood on them.

Two days later witness saw the accused at the detective office at about 5.5 p.m., but Purdue was not then there. Witness went out and on his return saw accused pacing up and down the room, dictating a statement to Purdue. It was read over to accused, who signed it. About 7 p.m. witness was present when Purdue said to the accused, "You can go and have your tea." "Where?" asked the accused. "Anywhere you like," Purdue replied, and accused said, "Nothing worse than that?" Purdue said, "I do not understand you." and accused said, "Don't grab me in the street when you want me. Let me know, and I will come in." On April 16 witness was present at the

ARREST OF THE ACCUSED.

Accused made no statement. Witness accompanied the accused to the police station, and there took possession of his hat. He wore the same hat every time witness saw him. There was an old and dirty

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hat in his room which he said he wore when working on motor cars. The hat-band was given to the bacteriologist. He did not locate a person named Charles or, Charlie Jackson, who owned a motor cycle. Exhaustive inquiries in the motor registrations' list located a Charles Johnston, owner of an old motor cycle.

Mr. Lavan: Every time you saw him from the inception he wore the hat you submitted to the bacteriologist?

Witness: Yes.

Have you told us everything so far as he is concerned?—Everything of importance.

It is a common thing for cars to be stolen?—Occasionally.

You had a gentleman recently who

STOLE CARS GALORE?

—Two or three. (To his Honor): Not stealing, because they are abandoned afterwards.

The first time you came into this matter, so far as Auburn was concerned, was when you took him to the subway?—Yes.

And on the way back he volunteered this piece of information about the tracks?—Yes.

That he saw certain tracks of a motor-car and tracks of something having been dragged along, and of the broken bush?—Yes.

Then you went back to the police station, and, after speaking to Purdue, you all went to Westana-road?—Yes.

When you got to Westana-road you saw tracks of a car on the side of the road?—Yes.

Were they then apparent?—I would not have noticed them.

Did Purdue say in the other Court they were apparent?—I don't know what he said.

If a person was sitting down he would notice them?—If he was looking at them.

Well, yes, he would not see them if he was not looking at them. That's the same as not looking at me and saying you could not see me in Court?—A man can stare at you and not see you.

Even when he is staring at you?—Yes, a vacant stare, you know what I mean.

Westana-road leads down to Bay View-terrace?—Yes.

And is a popular route for motorists?—Yes.

You told us the smashing of the scrub was apparent. It would be several days after the 14th when he showed you the tracks. They were visible?—Yes.

Seven days afterwards, and you had no difficulty in seeing them?—No.

You say the front wheels apparently stopped about 2ft. past where the shoeak was broken down?—From the stump.

Did you notice oil here (pointing to the photograph)?—It was on the gumsucker.

Would it be seen if you were standing or sitting there?—If his attention was drawn to it. There are hundreds of people who would pass there and never see it.

You could not say whether that car came from Nedlands or Claremont?—No.

Did the drag marks show where the car was?—No.

How far from the road would the drag marks be discernible?—Three or four feet.

You say he pointed out these tracks that he had arranged to show you what he saw?—Yes.

Was it not apparent—two tracks went to a point—that there was a dragging one way and then another?—I would not say.

THE WESTANA TRACKS.

You see, two tracks converge to a point where something is being dragged, is it not reasonable to say that it has been dragged one way and back another?—It depends what it is dragged on. Dragging an article through sand I could not tell you—a "nigger" might.

I am asking you as a man, not as a "nigger." Would it not indicate to you, as a reasonable man, that what I suggest had happened?—In sand I would not say; in the scrub I might.

You say the accused said, "This is where it was dragged in, and this where it was dragged out?"—Yes.

And still you say it would not be apparent that it had been dragged in one way and out the other?—I would not say that occurred.

Are you quite sure Auburn said the words I have just quoted?—Yes.

You told us of the discovery of blood at various spots, and the samples taken. All that took place, so far as Auburn was concerned, was the pointing out of the tracks and the remark "That is where it seems to have been dragged in, etc.?"—Yes.

Did he say that was what it looked like?—No, he said it was dragged.

When you showed Auburn the overcoat he immediately said it was the overcoat he had found?—Yes.

Was it after he came from Westana-road when a statement was taken?—Yes.

How many hours after 2 o'clock was the statement taken?—It was about 9 o'clock.

Seven hours?—We did not get back from Westana-road until 6.30.

MAKING A STATEMENT.

From 6.30 until after 9 o'clock he was with Purdue?—Yes.

I take it you were not silent when with him; you were questioning him?—No.

He was three hours with Purdue taking this statement?—Yes.

Purdue was alone with him?—Yes.

He had had no tea?—No, none of us.

Did he have any mid-day meal?—I don't know. After 2½ or 3 hours with Purdue

you took him to the hotel; how long were you there?—About half an hour.

The coat was quite observable?—I could see a coat there. It would be easily seen in the daytime.

His other clothing was on the backs of chairs?—The grey suit was, the other blue one was over the washstand.

It is a common practice; it was quite visible to anyone coming into the room?

—The grey suit was, because there was no clothing over it.

At the time he was wearing the navy blue suit he is now wearing?—Yes, I think it is.

And it was the suit he was wearing all the time you saw him?—Yes, I think.

There was no link button on the old blue coat?—No.

When he mentioned about the lost button, did he say anything besides what you have told us?—I don't think so; oh, yes, he said something about sewing it on three times.

Something was said about his arm?—Yes.

Did you mention it in the lower Court?—No.

Is the mark on his arm red?—Yes.

Is it inflamed?—Not very. I should say it was in the same condition for some time.

You saw marks on his shirt to indicate blood?—It seemed prus, with traces of blood.

His pyjama sleeve showed the same thing?—Yes.

And the coat of his suit?—Yes.

At the detective office, after their return about 10.30, Auburn was mostly with Purdue?—Yes, I was in and out.

After the taking of the statement you went to Dr. Barker's?—Yes.

What time did you get there?—About 12.30.

Was it 1 o'clock when you finished at Dr. Barker's?—Yes.

AROUND THE CLOCK.

This young man was with the police from 2 p.m. to 2 a.m.?—Yes.

During which time two statements were taken?—Yes.

And all the time he was without food?—Yes.

So far as the taking of the statements, Purdue was concerned?—Yes.

Did you ever at any time try to extract anything from this young man?—No.

Did you not say: "Now, don't be a fool, come on, let us have it"?—No.

Never at any time?—No.

Did you say: "Think of your father and mother; get it out and don't be a fool"?—No, I did not.

Are you sure?—Yes.
(Proceeding.)

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Thirteen witnesses for the Crown remained to be examined when Mr. Justice Draper and jury this morning resumed the hearing of the O'Neil murder trial. It is generally anticipated that the best part of three weeks will have elapsed before the final stage is reached. Meanwhile public interest continues unabated, the demand for accommodation being far greater than the capacity of the Court.

George William Auburn, the accused, is charged with having, at Claremont on April 4 last, wilfully murdered John George O'Neil, a taxi-driver. He pleads not guilty, and is defended by Mr. M. G. Lavan, with Mr. J. F. Walsh, while Mr. A. G. Haynes assists the Crown Prosecutor (Mr. Hubert Parker) in conducting the Crown case.

AUBURN'S STATEMENTS.

When our report closed yesterday Detective-Sergeant Doyle was under cross-examination regarding Auburn's statements.

Mr. Lavan: Auburn came in again on the Saturday to the detective office, and was there until 7 p.m.?

Witness: Yes.

With whom?—Purdue most of the time.

Alone?—Most of the time.

He had five hours there, and you tell us you only know what he said leaving the room?—I was only there then.

He had been up until 2 a.m., and from 2 in the afternoon he had been with the detectives?—Yes.

And he was there from 2 until 7 the next day?—Yes, with Purdue until he went for tea, and I was with him about an hour.

Are you sure Auburn said "Satisfaction to you, but not to me"?—I am sure of it. You heard nothing before that?—No.

Didn't he say this, that if he were allowed to go until Monday he would give "satisfaction to you and satisfaction to me"?—No.

Are you certain of that?—I am.

The next you saw of him was on the Monday evening. How long was he at the office then?—From about 5.5 until 7.

With you or Purdue?—I am not sure, now I think of it, whether it was the Saturday or Monday evening that I stayed there while Purdue went to tea. It was the Monday evening.

There you are; you have been telling us it was the Saturday evening?—It was the Monday.

So all people can make mistakes?—I suppose so.

Were you present when the statement was taken?—Yes.

No questions?—No.

He was allowed to go?—Yes.

From the Friday to the Monday he was being continually interviewed?—On the Friday, Saturday, and Monday again.

DOYLE RE-EXAMINED.

Re-examined by Mr. Parker, the witness said it was a common thing for cars to be taken in the city. All suburban and out-stations were notified of the unlawful removal of a car.

Are there tracks leading off Westana-road?—Along Westana-road there were tracks leading off at various places.

"IRRELEVANT MATTER."

Mr. Lavan strenuously objected, and his Honor expressed an inclination to agree with him. Counsel said it did not arise out of the cross-examination.

Mr. Parker said he would recall the witness later.

His Honor said too much irrelevant matter was being introduced.

When Mr. Parker asked the witness later on if there were not many motor tracks in the locality, Mr. Lavan again objected, and his Honor deemed the matter irrelevant, and said he would not have the case dragged on interminably.

Mr. Parker protested that it was a matter arising out of the cross-examination, and the defence must have some object. If the case was being dragged on, why did not his Honor restrain Mr. Lavan in his cross-examination?

His Honor: You are not entitled to ask any questions unless they have been the subject of cross-examination.

Mr. Parker continued to hold the view that it was a matter arising out of cross-examination, and Mr. Lavan that it was not.

The evidence then proceeded.

Who was Auburn with out at Westana-road?—Mostly with the motor driver.

How long were you there?—About three hours.

From 6.30 Purdue was with him?—Yes.

What was Purdue doing with him?—I don't know.

You went to Osborne Park?—Yes.

On the Saturday he got there at 2 and left at 7?—Yes.

Was Purdue there?—Yes.

What was he doing?—I do not know.

ACCUSED NOT DISTRESSED.

During any of this time did the accused appear confused or distressed?—No.

Was he pressed in any way?—No.

Did he seem unwilling?—No.

A RESIDENT NOTICED NOTHING.*

Henry Chas. Worrall, an attendant at the Old Men's Home, said he lived in a house appearing in the photograph, and knew the track well, going along it twice a day. Between April 1 and April 13 he passed there twice daily. He noticed nothing unusual there.

Mr. Lavan: It is all bush around there?

Witness: Practically.

You were not looking specially?—No.

There might have been a dozen tracks there and you would not see them?—No.

You did not even see the trees down?—No.

The trees down and tracks would not be noticed?—No.

Mr. Parker: It is a common thing to see trees down?

Witness: Yes.

The Court adjourned until 10.30 a.m. today. On resuming

DETECTIVE-SERGEANT PURDUE.

Detective-Sergeant Grenville Purdue opened his evidence with a description of the ground in the vicinity of the spot where the body was found at Crawley on the morning of April 5. It was similar to that given by previous witnesses.

FOOTPRINTS AT CRAWLEY.

Mr. Parker: In the tracks were there any footprints?

Witness: There were parts of prints in places.

Did you get any casts?—No, there were no impression that would give a cast.

Why?—There was only loose dry sand.

AUBURN AND THE COAT.

On April 7, said the witness, about 8 p.m., he saw the accused at the detective office, this being the first occasion on which witness had seen the accused. Auburn said: "I believe you are looking for a coat in connection with this Crawley affair." When witness said he was, accused asked for particulars of the coat. Witness was to go into the inspector's office to get the particulars, but before he went accused said he thought he had the one they were looking for. Witness obtained the particulars and told accused it was a heavy dark green English coat with a stripe. Auburn said that would be it, and on being asked to bring it in, told witness that he had left it at Wagin. He would wire for it. Auburn said he had found it on Friday night under the West Perth sub-way; that he had picked it up and looked at it under the light, and seeing no one about took it with him. He said he had been at the Grand picture show, and added: "To tell you the truth I had only threepence left and walked out that way to catch the tram at the Leederville Hotel corner, so that I could get to the Mount Hawthorn terminus for a penny." Witness knew that was possible, and that the fare from Mt. Hawthorn to Osborne Park was 2d. Auburn said he found the

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coat on the west side of the subway. He gave witness his name and address, and also said he thought the coat must have fallen out of a motor car coming from the direction of Marquis-street, and going towards a street which joined Oxford-street. Accused returned on the night of April 9 about the same time, and asked witness if the detectives had received the coat. Witness said they had not, and asked him if he had kept his promise to wire for it. He said he had not, but had written to Mr. Allport, of Wagin, to send it down. Witness caused the Wagin police to be telephoned, and told the accused this was being done. He left soon afterwards.

Witness next saw Auburn the following afternoon. At the time witness was proceeding along Roe-street by car. He saw Auburn with a young man named York, on the north side of the Horseshoe Bridge. Witness signalled to Auburn that he wished to see him at the office, but did not speak to him. He called in that night, and witness asked him when it would be convenient for him to show them where he picked up the coat. Auburn said any time would suit him, and it was arranged for 2 p.m. the following day, April 11. Auburn presented himself as arranged, and went with Detective-Sergeants Doyle and Kennedy to the subway.

WESTANA-ROAD EPISODE.

Witness saw them about an hour later upon their return. Doyle reported in accused's presence, the position in which the coat was alleged to have been found, and also told witness the accused had mentioned to him that when he had been out on a road between Claremont and Nedlands the previous Monday, he noticed where some scrub had been broken down, a motor car had run into the bush, and something had been dragged. Witness conversed with Auburn on this matter, and he verified Doyle's statement. Auburn expressed a willingness to accompany them to the locality, and they all left straight away. Passing through Nedlands they turned into Westana-road, and after going some distance, the accused remarked that it was "just down here," indicating a hollow. About 80 yards before they stopped witness noticed a motor track leading into the bush and suggested that the motor driver stop, but accused said that was not it. There were several vehicle tracks leading off Westana-road into the bush. At a place indicated by the accused, witness saw where a car had left the road, and where some she-oak scrub and gumsuckers had been knocked down. That was when they got out of the car. The gumsucker seemed to have oil on it. On the she-oak there appeared to be blood. At this time the other officers and the accused were further into the bush, and just prior to witness noticing the blood on the she-oak Kennedy called out that there was blood where he was.

Witness here gave evidence about the discoveries similar to that given by Detective-Sergeant Doyle.

The party arrived back in Perth about 6.30 p.m., and a statement was taken from the accused. It was signed by accused about 8.30 p.m.

STATEMENT BY AUBURN.

MOVEMENTS ON FRIDAY NIGHT.

The statement was read by Mr. Parker. It was as follows:—

"I am a motor expert and reside at the Osborne Park Hotel. On Friday, April 4, I was home the best part of the day, and came to the city by the 6.45 p.m. tram from Osborne Park. I arrived in the city at 7.25 p.m. On Thursday, April 3, I was at home all day, and came to town in the evening, meeting a young lady, and with her went to His Majesty's and returned home by the tram. I usually catch the 11.28 p.m. tram from the Palace Hotel.

AT THE PICTURES.

"When I arrived in the city on the

evening of April 4, I went straight to the Grand pictures alone, and remained there until the finish of the programme at 10.15 or 10.25 p.m. I was alone in the pictures all the evening, and saw no one that I knew that I can remember. When I left the pictures I walked straight out to Marquis-street en route to Oxford-street, Leederville.

THE OVERCOAT.

"When passing under the West Perth railway subway I picked up an overcoat. It was about 11.30 p.m. This overcoat I have since been told belonged to the late Jack O'Neil. I have never seen Jack O'Neil. The coat was lying on the roadway in the north-west corner under the subway. I saw no one about, picked up the coat and dusted it, and had a look at it just under the light close by. I did not see anything unusual about the coat. I took the coat home. I carried it.

AUBURN KNOCKED DOWN.

"When I got near the Leederville Hotel I was walking on the footpath on the east side, and two men were coming in an opposite direction. I went to get out of their way, and went the same side as they did, and they bumped me and knocked me over, causing a wound in my right arm to be broken open, which for some time on and off had been breaking and giving me trouble. The bump caused it to bleed, and the blood ran right down my arm to the palm of my hand.

HOME TO OSBORNE PARK.

"I continued on to the Leederville Hotel corner, and caught my tram to the Osborne Park terminus. It was 11.45 p.m., when I caught the tram, and I got home at midnight. The motor man of the Osborne Park tram helped me up to the gate because my arm was paining me. I did not tell him I had found a coat.

THE WAGIN TRIP.

"On Saturday morning I drove into town with my father in his motor. I stopped in town and engaged 'Billy' Singe's taxi and went up to my girl's place at Woodroyd-street, Mt. Lawley. After this I went to Wagin, with Mrs. Moir, her three children, three other ladies, Mr. Moir, and myself.

"When I picked up Singe at 3 p.m. it was raining, and I had no coat, and he asked me if I had one, and I said only one that I picked up out at the Park. He said he would run out and get it, and he did. I then took the coat to Wagin with me. It was in the back all the time, and I didn't use it. I left Wagin Sunday morning with the same party, but left the coat behind at the Federal Hotel, and forgot to pick it up. We went down the road for petrol. We arrived back in the city at 9.40 p.m. Sunday.

REPORTING THE COAT.

"I called at the C.I.D. on Monday night, April 7, and reported that I had found a coat under the subway, and that I had left it at Wagin. I wrote for it to Wagin. I called in again on April 9, and the coat had not then arrived. And on April 10 I was requested to call at the C.I.D. at 2 p.m. to show where I had found the coat. On the night of April 11 I saw the coat I had picked up at the C.I.D., it having been returned from Wagin.

THE CRIME SPOT AT DALKEITH.

"On April 7 I was through Westana-road, Dalkeith, in the afternoon. I was on a motor cycle belonging to Charlie Jackson, North Beach road, Osborne Park. I was giving a trial run, and was on my own. When going along Westana-road towards Nedlands the bike stopped half-way up the hill. I took off the belt, and pushed it up the hill. I then jumped on the bike and free-wheel-

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ed. and the bike ran down to the level of the road and stopped. I put the bike on the stand, and put the belt on, and then sat down on the grass or ground right up against some banksia or sheoak. "While I was sitting down I noticed the track of a car had a broken tree, also gum-suckers broken down, with oil on the leaves. I also noticed that the grass had been levelled off in two places, indicating two tracks. I was sitting near a tie-tree. I did not walk into the bush. I only walked and saw the oil on the gum suckers. I only stood there, and had a look at the tracks and oil.

INFLUENCE OF A DREAM.

"I left soon after, and did not think any more about it until I got home. A leaf, caught in the pulley of the belt, reminded me of the spot. I never gave it another thought, and said nothing, and would not have only I dreamt of putting the belt on the bike and the newspaper saying that if anyone had any information about the car of O'Neil or anything strange happening to call at the C.I.D.

"On the afternoon of April 11, I reported to C.I.D. officers what I had seen at Westana-road. I would have mentioned it before only it did not seem important to my mind. I went soon after telling them with them to Westana-road, and pointed the place out to them. I also indicated the two tracks where the grass had been knocked down and the tree being down and marks as if something had been drawn over the grass."

INSPECTING AUBURN'S ROOM.

Witness submitted the statement and his report to Mr. Condon, and it was decided to make an inspection of his room. Accused, who accompanied the detectives, asked if they could not go out straight away and get in without his dad and mother seeing them. It was after 9 p.m., and accused asked to be allowed to stay outside while witness had a talk with his father. At the hotel his request was complied with. Doyle and witness went in through the back entrance and had a conversation with Mr. Auburn, sen., and then called the accused in. They followed accused to his room occupied by him only. Among the contents Doyle found a coat and trousers which had been "rough dried." Witness did not actually see Doyle pick them up. To Doyle, Auburn said he had washed them about a fortnight before, and that he wore them when working on motor cars. He had cleaned them up, expecting to get further wear out of them. They were washed with petrol, cold water, and soap. Doyle indicated to witness the lack of a button on the coat, and accused said there had been a link button on it, that he had made himself, and that it had been lost about six months. There was also another old blue serge coat and trousers marked with grease, suggesting they had been used by accused when he was working. The same applied to a hat they found.

When discussing the link button, witness took one from his pocket and invited the accused to examine it with the coat. Accused said "it is like it all right." Witness took possession of the coat and trousers, and three vests.

AUBURN CAUTIONED.

They all returned to the C.I.D. office the time being between 10.30 and 11 o'clock. Witness cautioned the accused and telling him that he would take another statement from him, and that he need not answer any questions or say anything unless he wished. Witness took the statement which was given to Auburn, who read and signed it. He attached his own nature to it about 12.25 a.m.

Detective-Sergeant Purdue read Auburn's second statement.

THE CLOTHES AND THE BUTTON.

The statement was headed "George Auburn, Jun., further states," and set forth:—

"After being cautioned that I need not answer any questions or say anything, I say as follows:—The coat and trousers found in my room at my home, Osborne Park, are my property, and were taken possession of by the detectives on this date. They were washed by me about two weeks ago by using petrol and cold water and soap. No one saw me wash them that I know of. I washed them in the bath in the bathroom. They were hung on the line to dry.

"The coat that I washed originally had a link button on it. The link button had become worn, and had been sewn on by myself two or three times. The link button had been missing for over six months, but I do not know where I lost it. I was shown a link button by the detectives to-night, and it was the same pattern as one at present on my washed coat. I washed my clothes because I thought I might be able to make some use of them. I used them when I went out in a motor car. The coat and trousers were made in Melbourne.

FRIDAY NIGHT'S TRAM.

"Mr. Leen, of Troughet's Pharmacy, was on the tram from Leederville Hotel corner to Mt. Hawthorn on Friday night, April 4, when I got on at 11.45, and Cecil White, recently of Osborne Park, was also on the same tram. Armstrong's Agency will know where he is. M'Kenzie was driving the Osborne Park car on this night. I cannot think of anyone else who saw me this night.

NO BLOODSTAINS.

"There were no bloodstains on my clothes before I washed them that I know of. When I lost the button I cut the link off at the same time cutting the material, and I sewed it together, leaving the single button on the outside of the coat, as it now is. I meant by 'using these clothes to go out in the car' was when cleaning it or attending to some mechanical work; also on the push bike.

"I remember trying to put on the overcoat I found under the subway on the way to the tram. I am not sure if I did get it on or not. I got off the tram at Anzac-road, and went into the fish shop close by, which Mrs. Eddie used to keep. Then I went straight up to the Osborne Park tram. It was the No. 16 car that I caught at Leederville corner. I have read over this statement, and it is truthful."

AUBURN NOT FLABBERGASTED.

During the taking of the statements, proceeded witness, accused was not flabbergasted or unnatural; his demeanor was quiet and comparatively normal, and he showed no signs of distress or confusion. They all went to Dr. Barker's, and accused's right arm was examined. Witness then told Auburn they would take him home. He said he did not want to go to his home. However, this was done, and witness again saw Auburn, sen. Prior to their parting an appointment was made for Auburn to meet them later that day. He came in at 2 p.m., and in conversation asked witness if he would be allowed to go until 2 p.m. on Monday. He remained at the office on that occasion from 2 until 7.30 o'clock. When Auburn made the request referred to witness said he would report the matter, and see what could be done. Auburn said that if he were allowed to go until Monday he would give witness satisfaction. Witness said he personally was not looking for satisfaction, and that he wanted what was right and just. He said to Auburn: "Do you mean by satisfaction that you will honestly and truthfully clear up the murder of John O'Neil?" Auburn replied "Yes." It was decided to let him go, and in the presence of Doyle witness said, "You say if you are allowed to go until 2 p.m. Monday you will give satisfaction to the au-

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thorities?" He said he would. Witness repeated the former question as to the interpretation of his remark about giving satisfaction. Auburn again said, "Yes," and added, "Satisfaction to you, and not to me." He then left.

"I GET YOU."

Reverting to the Friday, the witness said that after the return from Westana-road accused asked witness if he thought that he (accused) would come to report the coat if he were concerned in the affair. Witness said it was apparent why he would. Accused asked why, and witness said, "The coat is in Wagin, and is advertised for in to-night's press, and it's a matter of who gets in first." The accused said, "I get you." Accused also asked witness if he thought he (accused) would have come to tell about the finding of the place in Westana-road if he was concerned in it. Witness said the only reply he could give was "that certain persons return to the scenes of certain crimes, sometimes in search of something that might be lost," Auburn did not keep the appointment for Monday, but later that day witness found him at his office. He said: "I've come in to make a statement, which is the truth." Witness invited him to sit down, but while pacing to and fro in the room he dictated the statement he wished to make. At times he would come over for himself and see what was being written; at others he would ask witness what he had written down. At its completion it was read over by witness and then by Auburn, who signed it.

AUBURN'S THIRD STATEMENT.

"I KNOW NOTHING."

"I called at the C.I.D. at 5.10 p.m. on April 14, 1924, and said I wished to make a statement, which is the truth. That statement is that I know nothing about the affair, furthermore than the statements I have already made, and I cannot reasonably and truthfully answer any more questions, or make any more statements than I have already done. And I have already endeavored to make that point clear before. And it is not within my power to answer any more questions regarding the whole affair (I mean by the affair the murder of John O'Neil), as the statement that I have now given is absolutely truthful, and completely final."

THE SATISFACTION PROMISE.

Witness referred to the promise made on the Saturday to give satisfaction. He said: "I don't want you to think I am pulling your leg." He added that he could not honestly and truthfully say any more. Auburn left about 7 o'clock, witness telling him he could go and get his tea. Auburn asked "Where?" and witness told him wherever he liked. Auburn replied, "What do you mean?" Witness said, "I mean you can go." Finally Auburn said, "If you want me, don't grab me in the street, let me know and I'll come in." On April 16 accused was arrested on warrant at Osborne Park about 1.30 p.m. The deceased's motor car had been locked up and kept under witness's supervision.

INSPECTING O'NEIL'S CAR.

Mr. Parker said the car was at the Supreme Court, and could be inspected by the jury at any time.

His Honor, upon asking the foreman if the jury desired to inspect the car, was informed they had already done so. At a later stage the foreman said some members of the jury desired a further inspection of the car.

His Honor thought it might be arranged for 12.45 that day.

Mr. Parker suggested that it might be better if the jury saw the car after 4 p.m., when they would have plenty of time at their disposal.

His Honor: But they finish their day's work at 4, Mr. Parker.

It was decided that the inspection should be made at 1.45.

Witness explained that he had submitted samples of clothing, etc., to the Government Bacteriologist.

A search had failed, the witness said, to locate the man Johnson, mentioned by the accused.

At Osborne Park on the Friday witness saw the inside of the right sleeve of the coat the accused was wearing, and it had pus matter on it.

MISS SADLER AT WOOROLOO.

Mr. Parker: Did you go to Wooroloo?

Witness: On Sunday, April 13, and Thursday, April 17.

The 17th was the day after the arrest?

—Yes.

You saw whom?—Miss Sadler.

Those were the only interviews you had?

—Yes.

MR. LAVAN'S CROSS-EXAMINATION.

Mr. Lavan: You have told us everything of importance?

Witness: I cannot say that.

Is there anything you can tell us before I commence cross-examination?—No, but there are things which the accused has said to me which I do not consider are strictly evidence.

Had Miss Sadler's name been mentioned before April 13?—No.

How long have you been in the detective force?—Somewhere over 20 years.

You are a sergeant?—Yes.

When you went to Crawley you saw where a body had been dragged through a fence?—I saw where something had been dragged.

And it led to the body?—Yes. To his Honor: There was no blood on the motor car on the side opposite the driver.

Mr. Lavan continued to press the witness about the car tracks.

WITNESS OBJECTS.

Witness objected to counsel's methods, asking which of them was asking or answering the question. Mr. Lavan, he said, had interrupted while he was answering his Honor.

Mr. Lavan: Don't let us start off with any unpleasantness.

There were some footprints that had not been dragged over?—Yes, in the sand.

Were they taken?—No.

Covered up?—Some were, I think.

The Monday you saw Auburn?—Yes.

"The Daily News" comes out between 4 and 5 o'clock?—Yes.

He came in about 8?—Yes.

And told you about the coat?—Yes.

Did he say he thought it was the coat you were looking for after you gave the description?—No.

I suggest he did?—I say he did not.

Are you sure he did not say he would write for it that night?—He said he would wire for it.

Even the most astute detective could make mistakes about conversations?—There was no mistake here.

I am not asking that, so we can take it that it is impossible for you to make mistakes?—Apparently everyone is liable to.

AUBURN CALLED VOLUNTARILY.

He called in voluntarily each time?—Yes.

He told you he wrote to Allport for the coat?—Yes.

Only you and himself there?—Yes.

Was anything said about Allport's address?—No.

Will you swear there was no conversation about Allport's address?—I have sworn.

Will you swear?—I have done so.

Well, I can ask you again. You answer the questions. Auburn, you say, was present when you ordered the telephoning to be done?—Yes.

Next day you saw him in Roe-street. What time was it?—Between 3 and 4.

You beckoned to him to go to the office?

—Yes.

He went there?—I saw him that evening.

Are you sure it was at your office?—Yes.

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Did you see him again that evening?—No; I understand he was there in my absence.

You saw him at the police office that day?—Yes.

Did he speak to you at the police office that night?—Yes.

You did not see him again that night?—No.

It may be a mistake on your part; are you sure you did not?—I am sure.

Do you remember seeing him in the street that night near M'Carthy's Hotel?—I don't remember.

Would you say you did not?—Yes.

At any rate, you say all that occurred was the question when it would be convenient to show you the spot?—Yes.

You did not accompany him to the subway?—No.

WESTANA-ROAD ONCE MORE.

After the return Doyle told you certain things?—Yes.

Auburn verified that?—Yes.

You asked him to take you to the place?—Yes.

And he freely agreed to do so?—Yes.

When you got there, you pulled up on the slope of the hill—On the incline.

He told you it wasn't there, and you went down and he indicated where it was?—Yes, down in the hollow.

When you got out the tracks were apparent?—When we had a close look.

Before the close look?—No.

Did you say in the Coroner's Court it was apparent?—No.

Did you say at that Court that after viewing the place it was apparent that a motor car had left the road and ran a few feet parallel with the main road?—After viewing the place.

Did you say it?—No.

Can you explain why the note taken by the morning and evening paper reporters confirms what I say? Will you swear you did not say it?—Yes.

Mr. Parker said he thought it was time the depositions were put in. There were, so to speak, two irresponsible persons—

Mr. Lavan: Three. I had a note, too.

Mr. Parker: Well, three, including Mr. Lavan, and one responsible person taking the note.

WHICH WILL YOU TAKE?

His Honor agreed. He asked if Mr. Lavan would be willing to take the paper reports of this trial in preference to the witnesses at this trial. If that was so, he (his Honor) could point out one very strong point against Mr. Lavan.

The witness was shown his deposition, which did not contain the word "apparent."

Mr. Lavan said if he did not use the word apparent his note and that of the two newspapers was the same. It was a strange thing.

His Honor: I don't think so.

Mr. Lavan: Very well; I will leave it to the jury.

To the Witness: Was it apparent the sheok had been broken down?—It was easily visible.

And the scrub, too?—We found that the car had gone through it.

The drag marks were in the shape of an inverted letter "Y"?—Yes.

You say Auburn said this is where it was dragged in and this where it was dragged out?—Yes.

Are you sure he said that?—Yes.

And nothing else?—Yes, nothing else.

Would it not appear from what you saw that the same thing had been dragged up and then down?—From personal observation I could not say.

Was it after the mirror incident you came away?—Yes, I did not remain long.

You say there are cattle marks?—I do not want to rely on hearsay. I saw fresh tracks there.

What time was it you went to Westana-road?—Soon after three.

It was from Nedlands to Bay View-terrace?—I think so.

TAKING THE STATEMENTS.

At what time did you get back to the detective office?—About 6.30.

That's approximate?—Yes.

Did you remain with Auburn until you went to his home?—Not all the time. Kennedy and Doyle were also with him.

When did you take the statement from him?—About 6.30.

When did you finish it?—In about an hour and a half.

When did you go to Osborne Park Hotel?—About 9.30.

May I put it that it took you from 6.30 to 8.30 to get that statement?—About that.

Sergeant Doyle said it was three hours he was with you; the statement was completed after 9 o'clock?—So it was.

How do you mean?—If it was completed before 9 it was completed after 9.

Mr. Lavan: It is no use trying to bandy words with me.

It is clear which Doyle meant?—Well, I say before nine.

Doyle said he was with you for three hours?—That is possible.

Taking the statement?—No.

You told him you were going to his home?—Yes.

NO CAUTION.

That statement you took—I don't care how long you were at it—did you caution him beforehand?—No.

And all the time he was fasting?—So was I.

I don't think it would do you any harm. He was under the thumb, you know?—

What do you mean?

Were you not continually questioning him?—Certainly not. Not in the way you infer.

You need not anticipate what I infer; were you questioning him?—No.

Will you tell me how it takes two hours in your own time, and three hours in Doyle's estimate, to take that statement?—You can see the number of sheets.

I put it to you that all that time you were pressing this boy?—Well, I tell you, Mr. Lavan, I was not.

Very well; you say you were not. You took him away to the hotel?—Yes.

You took him back again?—Yes.

And you took a further statement?—Yes.

Then you took him to Dr. Barker's?—Yes.

What time did you finish there, at what time?—About 1 a.m.

This boy never had a bite all the time?—Bite of what?

Food.—He could have had it if he asked.

You did not ask him?—No, and neither did he.

Do you say the statement was read to him and that he read it over?—Yes, I did that in accordance with your instructions last time.

I did not ask you that. You may be clever as a detective, but just answer questions.

Under further questioning, the witness said he took down the name Jackson, as the accused said it, but he would not say the accused did not mean Johnson. The mistake was possible.

Before you went out to the hotel, he did not seem desirous that his mother should see him, as the sight of a number of detectives would kill her?—There was no suggestion about a number of detectives.

And he tells you to come out after closing time, as otherwise it would kill his mother?—Yes.

Did you see the blue suit until Doyle showed it to you?—No.

Doyle directed your attention to the mark inside?—Yes.

And it was apparent that a link button had been sewn there—There was a hole there. I could not say it was apparent.

As soon as you did that he said immediately there was a link button there that had come off?—Yes.

Doyle showed him the two buttons, and he said what?—It's like it, alright.

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What did he say about this button?—That he lost it about six months ago and did not know where he lost it.

Did he say anything about sewing it on?—He said he had sewed it on two or three times.

And about cutting the serge?—Yes, I remember it.

At that time and every day you saw him, he was wearing a blue serge suit?—Yes.

Like the one he has on now?—Same style.

Did he wear the same hat every time?—Yes.

That dirty old blue suit, did you notice it did not have a link button?—No.

Doyle says he did; it doesn't matter. You returned to the C.I.D. office and then to Dr. Barker's, so he was 2½ hours more at the C.I.D. when you took the second statement from him?—Yes.

How long did it take?—About an hour, I expect.

Sure it was not more; you had him there for two and a-half hours?—Yes.

Who was present?—Kennedy and Doyle, at intervals.

But very little?—I would not say that.

You do not know who was in and how long?—No.

I put it to you again—you told us you cautioned him before taking it—that you were putting questions to him and cross-examining him?—So far as this statement was concerned there was no cross-examination.

Ah! Am I to accept it that with regard to the other statement there was a cross-examination?—No.

Then why differentiate by saying "with regard to this statement"?—You asked me to refer only to this statement. Not at any time was he cross-examined.

After that was taken you took him to Dr. Barker's?—It might have been half an hour or an hour after.

I take it he was not sitting down chewing his finger nails?—We were discussing general topics.

Did you take him aside at Dr. Barker's to talk to him?—Yes.

While you were there, that is at Dr. Barker's, when you came out and took him to one side, did you stand near the back of the car?—Yes.

"I'LL ADMIT EVERYTHING."

Did you say this: "If you get in first everything will be all right for you; he who hesitates is lost"?—I did not.

Didn't you say "Don't be a fool, get it off your chest quickly"?—Certainly I did not. As a matter of fact, when he made the remarks about the effect on his mother he also said "Put me in and I'll admit everything."

Sergt. Purdue, that was a most important statement?—It was questionable whether it was admissible.

You have given every other conversation?—In answer to your questions.

You have told us about his statements, about his mother, etc. Why not say they

were not admissible?—If you keep going you will get more.

Why was it not admissible?—I submitted it to the Crown Prosecutor; he is the better judge.

Did you at any time in any Court suggest that he said anything of the kind?—No.

"GOING TOO DEEP."

The witness made a reference to Mr. Lavan's "going too deep," and Mr. Lavan in reply to an interjection of his Honor, said he was not going to be threatened.

His Honor: It does not seem to frighten you very much, Mr. Lavan.

Mr. Lavan: It may not, but it will be discussed in my address to the jury. (To the witness): You took or sent him home that morning?—Yes.

He did not want to go to his home?—No.

This boy was calm, cool, and collected; you had him from 2 p.m. the previous day until about 2 a.m. that day, and never at any time did he have a bite to eat or anything to drink?—I have said so.

Do you think that a fair thing? After, all he is only a young man?—I am not responsible for all these things. I am like the clerk in your office—he carries out instructions. If he had wanted something to eat someone would probably have been sent out for it.

Of course they would. Do you think that a fair thing, to keep him like that?—I could not say whether it was or not.

There was a discussion about him going home for the week-end?—Yes.

As he left?—N., about half or three-quarters of an hour before.

When was Doyle there?—Just as he left, but that matter was not discussed again then.

"AS AN ACCOMPLICE."

Did he not say on the Saturday "Haven't I told you the truth?"—Nothing of the kind; we discussed the thing with him as an accomplice.

Did he not say at that time it would clear up everything so far as he was concerned?—Nothing of the kind.

Did he say "Satisfaction to you and to him"?—No, "Satisfaction to you, but not to me."

You said on the Friday that the coat was advertised for on the Friday night?—Yes.

Until this day you never said anything about Auburn asking you if you would think he was concerned if he brought the coat in?—No, I was not asked.

The same old answer. Do you suggest that it was not important?—I wanted to be fair.

Well, why did you bring it in to-day?—Because I was asked.

RE-EXAMINATION.

Re-examined, the witness said that on the day they went to Westana-road accused was in the office from 6.30 to 9.30. Auburn's demeanor was "just ordinary"; there was no argument or anything improper. He talked and asked questions. If there had been any suggestion of accused wanting food or drink he would have got it. There was no sign of fatigue; he was the same at 2 a.m. as when he came in at 2 p.m. In the taking of the second statement, Doyle and Kennedy were coming in and out of the room. The words, "Put me in, and I'll admit everything," were used by Auburn when told the detectives would have to search his room, and when he mentioned the effect it would have on his mother. It was between the first and second statements.

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When the hearing was resumed this morning of the Dalkeith murder trial, the Crown had still a dozen witnesses to call, and it seemed unlikely that the defence would be entered upon before Friday. The public interest remains undiminished, only early comers being able to gain admission to the public gallery.

The accused man, George William Auburn, is aged 21, and described as a mechanical expert. He is alleged to have, on April 4, at Claremont, wilfully murdered John George O'Neil, a motor driver.

The defence is conducted by Mr. M. G. Lavan, with Mr. J. F. Walsh, while the Crown Prosecutor (Mr. H. Parker) is assisted by Mr. A. G. Haynes.

When our report closed yesterday Detective-Sergeant Purdue, in answer to a question from Mr. Justice Draper, was explaining what he meant when he said he discussed the matter with Auburn as an accomplice. He said that on April 12 the accused asked him how it happened. Witness replied that they could go on the lines of what appeared in the Press; that it was reported that there was a party, including a woman, in the car; that something occurred in the back of the car, of which the driver did not approve, whereupon he was struck by someone from the back of the car. The car was travelling along that road towards Claremont, and when the driver was struck the car would be inclined to jump off the road. Accused agreed that this was likely to happen if the driver lost control. Witness told accused he would be sitting in the front seat, and as he was of a mechanical turn of mind witness would expect him to be sitting next to the driver. Auburn said "You're of the opinion someone behind hit him, and you don't think it could be done by a man sitting beside him." Witness answered "Not unless you were the only one in the car with the driver." The deceased would probably be groaning from the first blow, and would likely be dragged into the bush. There was something in the Press about a light having appeared, and probably that would frighten him and he would put the body back in the car. Auburn made no comment.

To his Honor: Up to that time no offer was made to the accused as an accomplice. His Honor told Mr. Parker that the reason he asked the question was that the jury might have been misled by the witness' remarks.

Mr. Parker: Had an offer been made up to that time?

Witness: No, nor any threat.

JOHNSON'S MOTOR BICYCLE.

Charles Johnson (15), living with his parents in Osborne Park, said he knew Auburn. Witness had the use of a motor cycle belonging to his uncle, about which witness had conversations with Auburn. The motor cycle had been given to Auburn to repair on several occasions. Between April 8 and April 10 witness told Auburn he wanted the bike fixed up, and it was taken to the hotel, but as Auburn was not there it was left at Eddy's shop. Witness could not say how long it was between his conversations with Auburn and his taking the motor cycle to Eddy's shop. He thought it was three to four days. On Sunday, April 13, Auburn came on a push bicycle to see witness. There were some remarks about the defects of the motor cycle, and accused said he did not know about it being at Eddy's, but he would go and do it up.

Witness had not finished his evidence when the Court adjourned until next day.

Upon resuming to-day

Johnson said that Auburn did not go to see him until April 13. He did not come to see witness between April 8 and April 10, but between those days witness left the bicycle at Eddy's shop. Prior to April 8 the bicycle had not been used for nine months. Witness got it back on the day Auburn was arrested, April 16. Auburn had only been to witness's place once—on April 13.

A MATTER OF DATES.

Mr. Lavan: You say you live a mile and a quarter to two miles from the hotel?

Witness: Yes.

And you are frequently in and out to Osborne Park?—Yes.

You have brought the cycle in many times for George to repair?—Yes.

You leave it at the hotel or at Eddy's?—Mostly at the hotel.

It might be there for a fortnight on occasions?—Yes.

You have said that you took it down there between April 8 and April 10?—No, it was down there between the eighth and the tenth.

When did you take it down?—It may have been before; I cannot say.

Witness: There was a mistake yesterday. Mr. Haynes got me a bit muddled. He said the bike was not taken away till the Sunday. That I cannot swear. He got me mixed up.

His Honor: Who told you that?

Witness: Nobody.

Mr. Lavan: Have you spoken to anybody about this case?

Witness: No.

You said you cannot swear to dates—is that right?—Yes; I have not an excellent memory.

It may have been there some days before the 8th or 10th?—It may have been. I haven't got an excellent memory.

You remember Auburn, sen., speaking to you, and in consequence you put the bike in Eddy's yard?—Yes.

Can you swear that that did not happen on April 4?—No.

At any rate, you did not shift it until April 16?—Yes.

There all the time?—Yes, so far as I know.

What time of the day was it you took it away?—I did not notice the time of day.

What Sunday was it George saw you?—On April 13.

It might have been the second Sunday after you brought the bike there?—It may have been.

What was that conversation?—He asked me, I think, what I had done to the bike. I said to him I had left the oil tap turned on, and it ran into the engine, and I drained it all out from the bottom and took the bike to him for repairs. The conversation dropped at that.

HIS HONOR INTERVENES.

His Honor: You told us yesterday when he came he was on a push bike, and he asked you what you had done to the bike and you said you had left it at Eddy's?

Witness: I did leave it at Eddy's.

His Honor read the witness's depositions and witness answered that he had stated the previous day that Auburn had asked him what he had done with the bike.

His Honor: You told us that you told him you had left it at Eddy's.

Mr. Lavan said the witness the previous day also referred to the oil.

His Honor: He may have mentioned the oil, but he also referred to Eddy's.

Mr. Lavan: I cannot help that.

His Honor: I know you can't.

Mr. Lavan, reading from his notes, reiterated that the witness spoke about the oil the preceding day.

His Honor: Yes, and he now says it stopped there. Yesterday he said he told Auburn he left it at Eddy's.

Mr. Lavan: Surely I am entitled to test his memory.

His Honor: You are.

Mr. Lavan: All you told him was about the oil tap and that was all?—Yes.

You do not know much about motor cycles?—No.

TO REFRESH THE MEMORY.

Before re-examining the witness, Mr. Haynes asked that sections of the depositions of the witness, and also a statement, made a few days after the arrest of Auburn, be shown to the witness.

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His Honor thought, after reading the portions of the depositions referred to, that it was not necessary to show them to the witness.

A police notebook containing the statement made by the witness was shown to him, and he said it bore his signature.

His Honor reminded Mr. Haynes that he could not cross-examine the witness.

Mr. Haynes denied that it was his intention to do so. He simply desired to ask the witness to refresh his memory from memoranda taken at the time.

Mr. Lavan objected, stating that there was nothing to show how many days after the purported conversation the note was taken.

His Honor (to the witness): When did you make that statement?—I don't know when it was.

You said it was after Auburn's arrest, how long after?—The detectives questioned me on April 16, and they questioned me some time after. It was at my own home.

Mr. Haynes: Was it at a time when the facts were fresh in your memory; about how long before the inquest started?—I don't know.

His Honor again interrupted Mr. Haynes, who thereupon said he would let His Honor read the notes, preparatory to him making a further application.

"THE JURY THE BEST JUDGES."

His Honor said the witness had given his evidence yesterday, and again to-day. If there is any alteration in his manner the jury are the best judges of it.

MOBE WESTANA AD.

James O. Jacobs, police constable, said he was at Westana-road on April 13, when he noticed a banksia tree about 18 inches from the shovel shown on the photo, produced. On the leaves there appeared to be blood-stains, and one leaf about eight feet from the ground had a hair, and also blood-stains on it. In all there were nine blood-stained leaves. Witness handed them over to Detective-Serjt. Purdue.

THE LINK BUTTON

Edward Reginald Berry, tailor, carrying on business in Perth, said he had had 30 years experience. He had seen the button produced before, but it looked cleaner now, while the shank seemed to have been handled. There was some material on the end of the shank, and it appeared to have been handled. There was, however, little difference. Witness had examined the coat produced, and the button together, using a magnifying glass. In his opinion the material at the end of the shank was the same material as the coat. He found that the material at the end of the shank fitted "very nicely" in the hole in the coat.

Continuing, the witness said that where the hole was a tailor would not have sewn the button on; he would have sewn it on to the canvas. He would do so to make it a firm job; if not it would break away. There had been in this instance at least three sewings-on, including the hole in the edge of the coat. The button on the opposite side was sewn on by an amateur. There were signs where the cloth had been cut where the shank would be. He would not say it had been cut with scissors. The cloth was broken about a half-inch from the hole, and had the appearance of having been drawn together with thread. Witness could not say definitely whether the cloth was cut underneath the stitching without breaking the stitching. In his opinion the shank had been pulled and not cut. He felt confident of that, and, in his mind, it was the shank in Court. The wool on the shank fitted so closely into the hole and was the same as the coat. The appearance of the hole suggested something had been pulled out, and not cut.

Mr. Lavan: Dealing with the buttons; they are a commonly used button?

Witness: Yes.

Have you examined the buttons to see if they are the same?—Yes.

Will you swear they are?—No.

Are they different?—Yes, the button on the shank and on the outside are different.

Did you tell the police that?—Yes.

Were you ever asked that question till I asked you?—No.

Just look at the sewing on the outside button, and that on the shank button, are they not entirely different?—Yes.

The outside one has been sewn on by an amateur?—No doubt of it.

The inside button, not the shank?—It was sewn on by a tailor.

AMATEUR OR PROFESSIONAL?

Swear it?—The threads that go through the holes are sewn by a professional. They are parallel.

And could not an amateur sew them parallel?—He could.

That is what I say?—It is not my experience that he would sew them parallel.

If you take the buttons, one is cross-stitched and one is parallel?—Yes.

The class of cloth in that coat is an ordinary, every day serge?—Yes.

When was it you used the magnifying glass, before the Coroner's Court?—Yes.

Did you express the same opinion with and without the glass?—Yes.

Have you ever attempted to compare the material on the shank with any other serges besides that on the coat?—No.

Will you swear that it is not the same as that in these serges worn by these gentlemen, if his Honor will permit the examination?

His Honor said it was already in evidence that it was an ordinary everyday serge.

Would not that piece of material on that shank match many different serges?—No.

Would it match others?—It is just possible.

ANY EVERYDAY SERGE.

Any everyday serge of that color, would it not match?—Yes, of the same color.

DIFFERENT SERGES.

There are a few every-day serges of the same color?—There are some; you very seldom get two serges exactly alike.

Every two serges of exactly that color would match?—I did not say that.

Are not the shades of blue in serge in many instances hard to distinguish?—They may be, but to a tailor, no.

Do you say there was sufficient cloth there to judge it?—I gave it as my opinion.

You did not swear it?—No.

You say that it still fits that hole?—Yes.

Will you swear it fits it?—No, I won't swear it; I say, in my opinion, it fits it. I have never sworn it yet.

Did you ever say it did?—I only gave it as my opinion.

Did you not make the direct statement that it did in the Coroner's Court?—I didn't swear that shank came out of that hole. I was very careful not to swear it.

If it is cut off or pulled off and the serge is washed, what would be the effect?—It would cause a fraying.

Could you say it fitted then?—It would have some effect.

It would either enlarge or contract the hole?—Yes.

According to you, it seems to fit absolutely?—Yes, my opinion only.

Jigger buttons are common; you have often seen them off?—They do not last very long.

You told us that there are signs of where the cloth had been cut?—Yes.

Where you refer to the stitching?—Yes, but before I venture an opinion I would like to open the stitching.

Re-examined: The odd button was that on the outside; the shank button coincided with those on the coat. There was very slight difference. The serge in the suit and that on the button agreed in shade. One seldom got two serges alike in color. A

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tailor could tell the difference, but to the average layman all blue serges were alike. In some cases blue serges had to be shrunk before being made up. A tub of water was not used for that purpose; it was done with a hot iron. The effect on the hole in washing would depend on the handling. If the whole suit had been washed in cold water it would show little difference. It would be greater, for instance, if a brush was used on it or if it was rubbed by hand.

Mr. Parker proceeded to quote a section of the deposition which Mr. Lavan had referred to in his cross-examination of the witness. Defendant's counsel complained that he did not put all that Mr. Parker wanted to use to the witness.

His Honor: But the jury heard it.

Mr. Lavan: Well, if your Honor objects, all right.

MORE TAILORING EVIDENCE.

George David Ctercteko, a tailor in Perth, said he had had 38 years' experience. He had examined the coat and button produced. He had seen the button before, but it seemed to be a "little bit loose and frayed about" now. There was a small piece of serge adhering to the shank. He had compared the button with the coat, using a magnifying glass. It appeared to witness that the button had been pulled out of the coat, though he could not swear to it. It seemed to fit in. The hole in the coat had "a little tail on it," and there was a stitch or two on the shank which appeared to correspond. The material, he thought, was about the same.

Mr. Haynes: Are there many pieces of serge the same color?

Witness: Oh, yes, I suppose thousands.

Blue?—Yes.

Are there many shades of blue?—Yes, many.

From the sewing on of the outside button he should say that "a little girl would sew it on as well." The "jigger" button was sewn on the outside, that is the fact was sewn as a tailor would sew it, but the other part, that is the neck, seemed amateurish.

Mr. Lavan: If the outside button came off it would have to be re-sewn?—Yes.

And the inside one, too?—Exactly.

And if the shank came off?—A tailor would sew another shank.

Is there a man on the face of the earth who could swear that that little piece of material adhering to that shank came off that coat?—Not unless he had seen it.

Try it now?—The stitches are different to what they were. It's no use me trying it now.

Just to please me?—I know it is impossible now, with those two stitches there now.

They have worked down?—Yes.

If a serge of that quality were washed after the button had been torn off, what would happen?—It would be ravelled a little.

Would not the class of material on that shank correspond with many serges?—I have said it was impossible to compare it unless it was taken from the shank.

There are many serges approximating to that shade?—Yes.

And it would be impossible to tell the difference?—Yes.

Are all the buttons on that coat commonly used buttons?—Yes.

To Mr. Haynes: The outside button was the odd one on the coat. It had a marked difference to a tailor.

"WHAT MURDER?"

Wilfred Martin Holmes, sifter, employed in the Tramways, said he had known the accused for seven or eight months. Witness saw him on the Sunday after the murder at the corner of Newcastle and Beaufort streets, between 9 and 11 p.m. Witness asked "What do you think of the murder, George?" and he replied, "What murder?" Witness said a motor driver had had his head bashed in, and his body had been found at Crawley. Accused told witness he had just come back from Wagin, and that was the first he had heard of the murder.

Mr. Lavan did not ask any questions.

MURDER THE MAIN TOPIC.

Theodore Percy Crisp, chemist's assistant employed by Mr. Troughet, at the corner of Barrack and Wellington streets, testified to having known Auburn four years. Witness saw the accused about 10.30 or 10.45 on April 6, at the corner of Beaufort and Newcastle streets. He handed witness a shilling, which he had borrowed to book a seat at a theatre. The murder was the main topic of their conversation. Witness asked Auburn what he thought about it. He replied that he had heard practically nothing of the affair, because he had been away to the country for the week end. He mentioned either Wagin or Narrogin, and said that the first he had heard of it was when he met Bill Holmes just before he encountered witness.

Theodore Percy Crisp, chemist's assistant, continued:—

REFERENCE TO CHARACTER.

On the following Sunday accused came into the shop about 7.30 p.m., and asked witness for a reference to his character. Witness asked him why he required it. Auburn made no reply at first, and asked if witness knew him to be a drunkard, or if he had ever seen him drunk. Witness said he had not, and asked him why he wanted the reference. Auburn replied, "To tell you the truth, I'm suspected of the murder case." Witness told him he ought to know where he was on the Friday night. Accused said, "That's the worst part of it, I was at the Grand Theatre on my own." Witness replied, "But surely someone must have seen you there, George," and asked him was there not some incident of that night he could recall. Witness advised him to advertise and get someone to come forward and clear him.

UNKNOWN IN TRAM.

He also asked Auburn if there was no one in the tram in which he went home, who knew him. Auburn said he did not think so. Witness expressed the opinion that the Osborne Park conductor must know him. Auburn again said he did not think so, and told witness the detectives had been out to his home, searched his rooms, and found a suit which had been washed and not pressed, and which he had not worn for four or five months. He also said that one of the detectives noticed a button was missing from the coat, and one of them asked him how long it had been off. Auburn said he answered that he really could not say. One of them, he said, produced a button and asked him was it the button off the suit. Auburn did not say what answer he gave to that question, but he told witness he was the man who found the overcoat and the tracks on Westana-road. He did not explain where he found the overcoat or how he discovered the tracks.

Mr. Lavan: On the sixth, did you see him talking to Holmes?

Witness: No.

Isn't this what he said: He had heard very little about it?—He said he had heard practically nothing only what Bill Holmes—

At any rate, he said that all he knew was what Holmes told him?—Yes.

And he told you he had been either to Wagin or Narrogin?—Yes.

You saw him next on the 13th, when he spoke of references to his character?—Yes.

Did he say that he had not had the suit on, or that he had not worn it to town for four or five months?—Had it on.

On the 13th, can you remember those conversations accurately?—Yes.

Did he not say that at the theatre he did not take much notice?—Yes.

He also said that about the tram?—Yes.

Did he not say "I cannot remember"?—No.

Look at the deposition—you swore that at the Coroner's Court?—Yes.

Did he say that?—He said he did not remember or he did not take any notice.

May he have been referring to the theatre when he said, "I do not remember"?—He may have.

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You went on to say that the conductor must know him?—Yes.

Are you sure he said what you have told us?—I am positive.

You have not said that before?—I know.

It would be strange if he said that about the tram conductor if he had given his (the conductor's name to the police?—It would.

To Mr. Haynes: Witness asked him if he could remember any incident in the theatre.

THE OVERCOAT.

Cecil Herbert James, salesman, said he had known Auburn for two or three years. He remembered Auburn coming into the shop where witness worked on about April 9 and mentioning that he had found an overcoat under the subway at West Perth. He said he understood it belonged to John O'Neil. On April 13 witness went to the Osborne Park Hotel between 4 p.m. and 5 p.m. In front of Eddy's shop witness saw accused working on a motor cycle. They conversed for a time, and then Auburn took off the belt of the motor cycle, wheeled it to the hotel, and put it in a shed. They went to Auburn's bedroom, which the accused said the detectives had searched and found a suit which he had washed some time previously. He mentioned the button which the detectives had. The button off the coat he said he had lost some time before. He also said that a good many young fellows wore jigger buttons, and he did not think that should connect him with the murder.

Referring to the suit, accused said he washed it some time previously, because while working on a motor he was carrying a cylinder, and in some way knocked his arm, causing the wound on his arm to bleed, and the blood ran down his arm on to his coat. Later that day witness and Auburn came to Perth, and after tea walked up and down Hay-street, where they met Monson. The three had a drink at a fruit shop near the Town Hall, and then walked up Hay-street.

MONSON'S ADVICE.

The conversation turned on the murder, and Monson asked Auburn if he had made any statements to the detectives. Auburn replied that he had made a dozen or a half-dozen, witness was not sure of the number, and he was fairly muddled in so doing. Monson advised him to make no further statements, saying it was not much use making statements if he (Auburn) got muddled. Monson told him not to say anything to anyone. When Auburn went to the tram he was accompanied by Monson, witness remaining on the pavement. They were speaking together, it would be only for about a minute. Auburn boarded the tram and Monson returned to witness.

THE WESTANA TRACKS.

Auburn told witness while they were in his room that he found the tracks at Westana-road. He did not say how he came to find them. Auburn usually wore a grey felt hat, with a braid around the rim. Witness had a good idea what it was like, but he could not swear to it. Auburn always dressed neatly.

THE BAD ARM.

Witness had seen Auburn pushing a motor cycle to start it. He had not seen accused chopping wood. Witness knew he had a bad arm carrying a bad scar. On April 13 Auburn told him that after pushing the bike up the hill to the shed, "it sometimes got sort of poisoned and made him feel crook. At other times it did not affect him." Witness could not remember Auburn previously saying the arm affected him. He had not seen Auburn doing very heavy work.

Mr. Lavan: Was he doing anything heavy on this date?—He was pushing the bike.

And he complained that he sometimes got crook?—Yes.

Have you on any other occasion seen him doing any heavy work that would cause him to complain?—Only pushing the bike.

You saw him on April 9—a Wednesday?—Yes.

I want you to be clear about what he said about the coat?—I think he just said he found it; that it was at Wagin, and that he understood it was O'Neil's.

Did he tell you he had been to the police about it on the Monday night?—I think he told me he had, but not on the Monday night.

You do not know what he was doing with the bike when you arrived on the 13th?—No.

You have seen his arm; have you seen it bleeding?—When I saw it there was a fair amount of blood on his shirt.

Was it bleeding at the time?—I saw blood.

As if it had been bleeding at some prior time?—Yes.

In the bedroom he told you about the detectives, the search, and so on?—Yes.

Did he not say also he did not know where he lost the button?—Yes.

How long after the event were you asked for the statement?—There was a holiday following; it was the Tuesday. It would be about April 23.

You don't pretend to remember the whole of the conversation?—No.

Did he mention that the suit had been washed more than once?—I would not say he did. I can't remember that he did.

Did he refer to another washing—once for grease stains and the other because the arm was bleeding?—I cannot say about the two washings.

You won't say he did not?—No.

Norman Andrew York, motorman on the tramways, said he first met Auburn about three weeks before the murder, and saw him and conversed with him several times up to April 10. Witness was with him at the corner of Roe and William streets on the Thursday after the murder. They saw Detective-Sergt. Purdue pass in a car, and noticed him wave his hand to the accused. Witness asked who it was, and he said Detective Purdue, and "he wants me to go to the detective office about the overcoat. To witness's question "What overcoat?" Auburn said, "Oh! I did not tell you; I found an overcoat under the West Perth sub-way, and I think it belongs to John O'Neil." They again met at the Economic Stores corner the following Saturday, James being with Auburn when witness came up. Auburn said he had been up to the detective office about finding the spot at Nedlands. He said he took the detectives to the spot and was there for "a fair while." He told witness that he found the spot when passing by, and that the detectives had been to his house late the previous night. They went to his room and picked up a coat.

Witness did not know that Auburn ever worked in Fremantle. He told witness he was at the Grand pictures on the night of April 4. He said he was there alone, and after the show he had a look around, and, seeing nobody he knew, and only having 3d in his pocket, he walked to the Leederville Hotel via the West Perth sub-way, where he picked up the coat. He caught the tram at the Leederville Hotel for Osborne Park. Witness commented that it must be pretty awkward to have detectives questioning him all the time. Witness also said, "You're in the mud." Auburn replied, "Yes, a pretty awkward position."

Mr. Lavan: You had not seen him between the previous Sunday and the Thursday, when Purdue beckoned to him?—I might have seen him in Hay-street.

But not to talk to him?—I could not say.

Purdue beckoned in the direction of Roe-street?—Yes.

Did you see Auburn again on the Thursday?—I don't remember seeing him. I am positive I did not.

You say he said the button was off for two months and then you said he said he lost it some time ago?—Two months is a long time.

Did he say he did not remember when he

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lost the button—it was so long ago?—He said it had been off two months.

There is nothing in your depositions about two months. What I put to you is that what you said at the inquest—"It had been off a good few months; he could not remember when he lost the button; it was so long ago"—was correct?—Yes

When you were speaking with regard to the murder, nothing else was said?—No.

You said you thought it must be awkward questioning him a fair deal. Did he say a "fair deal"?—He referred to several statements.

Did you in fact say "You're in the mud?" Read your depositions?—I said there I might have said, "You're in the mud" or something to that effect.

You are not sure what words you may have used?—No.

Did you ever know he had a bad arm?—Yes.

When?—Just after I first knew him.

How?—He showed it to me.

Was there any blood there?—There was a little.

As it was most likely that during today Mr. Lavan would open his defence with his statement to the jury, there was increased public interest in the Dalkeith murder trial. When proceedings were resumed this morning, Dr. Atkinson was the only Crown witness to be examined. The end of the trial seems yet far distant, as it is understood that Mr. Lavan has a large number of witnesses to call.

George William Auburn, defended by Mr. M. G. Lavan, with Mr. J. F. Walsh, pleads not guilty to a charge of having wilfully murdered John George O'Neil, at Claremont, on April 4. Mr. A. G. Haynes assists the Crown Prosecutor (Mr. H. Parker).

CONVERSATIONS WITH AUBURN.

After our report closed yesterday, Harry B. Hearn, motor mechanic, employed by Grave and Dwyer, Hay-street, said he had known the accused slightly for six or eight months. On Wednesday, April 9, he with a man named Blackmore, met Auburn, who said that his girl had gone away to Woorlooc. He said he had been to the C.I.D. and had reported the finding of an overcoat, which he had left at Wagin. He told witness and Blackmore that he found it under the subway, and that he showed it to Singe on the following day.

"A TERRIBLE THING."

Charles Edward Blackmore, dental assistant, said he had known Auburn about 18 months or two years. He saw him on April 1, 2, or 3, when he said he was going to Wagin to see "his girl's" sister, who was ill. Auburn said he was going early on the Saturday. On the Monday after the murder witness saw him about 10 or 11 a.m. It would be nearer 10 than 11, he thought, but he was not sure it was after 10. Auburn came into the surgery, and told witness he did not get the Dodge he was going to get, and had hired Singe's car, which had cost him £23 10s. Discussing the murder, the accused said it was "a terrible thing," but said nothing about finding an overcoat, and did not mention Westana-road.

The witness also gave evidence concerning the meeting of the three, Auburn, witness, and Hearne.

IN SINGE'S CAR.

Witness again met accused on the Saturday at the surgery, where they had a conversation, wherein Auburn mentioned Westana-road, and bloodstains, saying he found the spot while driving along in Singe's car, and that he had taken the detectives down there. He said he was with the detectives till 2 a.m., and that they had gone out to Osborne Park and searched his room, telling witness about the coat and button.

Mr. Lavan: You can't tell me any one of those three dates you mentioned?

Witness: No.

You referred to something about a Dodge car. Did anything happen about a Dodge on one of those dates?—Not on the Monday.

Mr. Lavan continued to question the witness on the point, and witness explained that he had misunderstood counsel.

Mr. Lavan: Of course you would misunderstand me. Haven't I a loud voice?

Mr. Haynes: That's the trouble, it's too loud.

Witness told Mr. Lavan he had a fair memory. Witness saw accused on the Monday, and they conversed again about the Dodge car and the trip.

Mr. Lavan: Have you said before today that he told you he found bloodstains?—He told me that, but I might not have remembered it.

Would you be surprised to know that your depositions contain no reference to it?—I might not have been asked.

If you didn't say it at the Coroner's Court, what was your reason?—I may not have thought of it at the time.

How does it occur to you here: anybody been stirring your memory?—No.

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DR. ATKINSON'S EVIDENCE.

BLOOD-STAINED CLOTHES.

Dr. Reginald C. E. Atkinson, Acting Government Bacteriologist and Principal Medical Officer, said the coat and trousers exhibited were handed to him on April 15. He tested them for blood, taking several pieces of material for that purpose, choosing at first places where there were obvious stains. In some cases he used a glass. A chemical test was first applied—the benzidine test. At all places marked with pins he obtained results consistent with the presence of blood. There was a large and distinct stain about the middle of the back of the coat. He did not try the precipitin test because he failed to get the haemin test for blood. Blood was very soluble in water, particularly recently-shed blood. Cold water was a very good solvent. Presuming that bloodstains got on those clothes on the Friday and on the Monday the clothes were put in cold water he would not expect to find more than he did find. The overcoat was received by witness also on April 15, and he found a bloodstain in the cotton lining on the right-hand side. On the right cuff there was a clot of blood. That on the cuff gave a definite precipitin test for human blood. There was another stain in the vicinity of the same nature. There was a faint reddish smear on the inside, which witness submitted to the benzidine test. The test of the inside spot was consistent with blood.

Witness got the hat from Detective Doyle on April 16. He detected nine or ten spots on the hat. They were very small, some larger than a pencil point, others not. The larger spots were mostly above the brim, two only being underneath, and one in the front. Witness submitted a number of the tests.

In his opinion there was human blood on the hat. The precipitin test for human blood was the best known scientific test.

He scraped off a number of specimens from stains on the hood of the motor-car over the front seat. They were tested, and found to contain human blood.

An exhibit of sand and sheoak twigs, handed to him by Detective-Sergeant Doyle, showed on examination small clots of human blood. On the same day Doyle handed witness specimens of hair, which were apparently the same. Sand and scrub, also received from Doyle on April 16, revealed clots of human blood. Sergeant Purdue handed witness two packets containing blood specimens and one containing blood, hair and brain. The blood was human blood. Witness received a number of banksia leaves in the Coroner's Court. They contained human blood. He also was handed a button at the Coroner's Court, and found human blood on it. Witness also examined three waistcoats, but got no reaction whatever.

MR. LAVAN CROSS-EXAMINES.

Mr. Lavan: The benzidine test is one of blood only?

Witness: No.

By that alone you cannot say whether it is human blood?—No.

If you get a result in that it is consistent with many things besides blood?—Sometimes.

Give us an indication.—It has been said that manure will give the test, also soiled earth, also a substance called oxydase. They are ferments found in tissues where oxydation goes on.

That is the first test made?—Yes.

Having got that, it does mean that it is blood?—Not absolutely.

Mr. Lavan referred a test book to the witness (Martin Dale and Westcott).

I put it to you he never did, and this is fabrication on your part?—I don't think so.

Are you clear it was said?—Yes.

Do you remember any discussion about Singe's car except the one you have told us, for instance a trip to Cottesloe on the Tuesday?—There was a discussion about a trip to Cottesloe Beach, but I won't swear to the day. He asked me to come on the trip in Singe's car.

But not of a trip to come, a trip that had passed?—Not that I remember.

Will you deny there was anything said about it?—No.

On the Saturday, was a drive which had taken place the previous Tuesday talked about?—I can't remember it.

You asked him where he found the tracks, and he said Westana-road. Did you not get mixed up between that and other conversations about Singe's car?—No I did not.

You don't think it possible?—No.

THE COATS TANGLED.

How long had you seen the link button missing?—The coats have been mixed up.

You have told me there was one he had not worn for three or four months?—I take it it was that one George was referring to, but it was not that one.

Mr. Lavan continued to press the witness about the coat, extracting from the witness the opinion that counsel "had them tangled, too."

You did refer to a coat which he had not worn for some months, of which the link button to your knowledge was missing?—He had it off at one time; he wore that coat a long time.

When did you see it off?—No idea.

What is the reason you say it is not that coat (produced)?—George told me about a coat, and it was that one he was talking about. I thought it was another coat, and I told him I had not seen him wearing it for three or four months.

Mr. Lavan continued pressing the witness on that point for some time.

Mr. Parker: It is suggested you are fabricating in your evidence; have you anything against Auburn?

Witness: Auburn was one of my best friends.

The Court then adjourned to to-day.

COATS AND A LINK BUTTON.

On resuming this morning,

Charles Edward Blackmore, re-called, examining a coat, produced by Mr. Lavan, said it looked like the coat he thought Auburn referred to in their conversation.

Mr. Parker: Can you say anything about a link button?

Witness: I thought there was a link button on it.

Mr. Lavan: Look at the inside of that coat, do you suggest there was ever a link button on it?

Witness: There might have been one.

If it is sworn to that there never was, will you contradict it?—I said there might have been.

I am not saying that; I am asking you if it is sworn there never was one, will you contradict it; it is a simple question?—I can only say I thought there was a link button on it.

You said distinctly the link button was missing, and that you had not seen him wearing it for some months?—There might never have been one on it.

Did you not say that the coat you referred to when speaking to Auburn you had not seen him wearing for some months?—I have not yet said this is the coat.

If there never was a link button on that coat, obviously it could not have been that coat?—I did not say it is the coat; it is very much like it.

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Witness said he would not necessarily regard them as an authority on blood.

Would you deny they are competent authorities on blood and bloodstains?—No, I would not.

Will you swear there was blood of any kind on these garments?—I will not.

His Honor: On which?

Witness: Trousers and coat.

Mr. Lavan: The haemin crystals are only the coloring matter of blood?

Witness: Yes.

If you found those crystals, would it absolutely determined that it was blood of some kind?—Yes.

But not human blood?—No.

Will water prevent the haemin test?—If it removed entirely the color.

Is there not a further test besides the haemin crystals?—Yes.

Micro-spectroscopic?—Yes.

Did you apply that?—Yes.

It returns to this, you couldn't swear there was human blood on those coat and trousers?—No.

The question of the haemin crystals on the microscopic test has nothing to do with the precipitin test?—No.

Then why did you not apply the precipitin?—Because it was no good testing for human blood if I did not know it was blood.

If you got a result from the clothes consistent with blood, would you not apply the precipitin test?—No.

Why?—For the reason I've explained.

Would it not tell you in that case whether it was blood, human blood, in fact?—No.

If clothes were washed in cold water, and you got the benzidine test, would you not expect to get the precipitin test from that?—I might.

The precipitin test is looked upon as a pretty reliable test?—Yes.

Is it absolute?—If properly applied it is absolute.

To His Honor: Animals of the same species give the same results.

To Mr. Lavan: The blood of a higher ape may give the same reaction as human blood.

Did you prepare your own serum?—No.

So that you are not aware of the conditions under which it was prepared?—No.

The greatest care is essential in its preparation?—Yes.

If it is not taken, you may get a fallacious test?—Yes.

So that in applying your precipitin test for human blood you are using a serum of which you know absolutely nothing as to its preparation?—Except that I tested it when I received it.

How long ago was that?—I ordered it for the examination.

How did you test it?—To see if it complied with the label: against a number of animals' blood (horse, ox, bird, sheen, Guinea-pig, and pig). I obtained no precipitin reaction with those animal bloods. I therefore decided that the serum was specific for the human blood.

By getting negative tests from certain animals, you assumed it was human blood?—I assumed it anti-human serum.

Shouldn't you make both a positive and negative test with human blood at the same time?—Yes. I told you that at first.

You told us the anti-human serum would respond to the blood other than human blood?—I don't think I said that.

The serum that is obtained would give the same as from the higher apes?—You might get the precipitin test from the higher ape with an anti-human serum.

You do not know how that serum was prepared or from what it was prepared?—No.

If it were prepared from the blood of the higher apes it would not react to a proper test?—No.

On the inside of the overcoat you applied the benzidine test?—Yes, to the smear I applied others; I got haemin crystals from one, but there was insufficient blood for the precipitin test.

These two large spots, you could not say if they were blood at all?—I would not swear it.

Is it not possible and has it not been found frequently that the precipitin test can be obtained from infinitesimal quantities?—No; I don't think so. What do you mean by infinitesimal?

What part of a gramme would you call infinitesimal?—A millionth part of a gramme.

Listen to this; do you know Professor McWheaney?—Yes.

A competent authority on bacteriology and pathology?—Yes.

Do you agree that one 200,000th of a gramme will give the precipitin test?—Provided he can get a solution of one in a thousand. The precipitin test does not go much farther.

Do you agree or disagree that it can be done with an infinitesimal quantity?—It can be done with a very small quantity.

You did not have enough?—No. I used it all up with the haemin test.

Is not the haemin test used always before the precipitin test?—It is by me.

If the quantity is so small, how can these people do it?—They are doing it experimentally. They might have had the blood; I had to find it.

Do you mean to suggest that having got the benzidine test, you could not apply the precipitin test?—I could not apply it to the same blood.

But could you not apply it after the benzidine test?—If I had the material.

But having a result consistent with blood could you not apply it?—Yes.

Did you?—No.

Will you swear that they are human blood stains on the hat?—I will swear they are ape or human.

The witness, at Mr. Lavan's request, described the method of his test on the hat.

If they were lying in water you would not get the crystals?—It would have to be a thorough washing.

Suppose they had been washed three months before you would not get the crystals—that is, if the coloring matter was destroyed?—It dissolves the matter. My object in answering Mr. Parker's question was to explain that if the stain had been there approximately within a month it would come out fairly easily.

At any event, one, two, three or six months, if it was well washed, it would come out?—Not necessarily all of it.

How long should it be before it fixed?—I could not say; within a month I would expect it to come out easily.

It might be more?—Yes.

RE-EXAMINATION.

Mr. Parker: This book (referring to the first book produced by Mr. Lavan) says that by this test blood of mummies 3,000 to 5,000 years old can be identified as human—do you agree?

Witness: I cannot agree; there is a difference of opinion; it all depends upon the solubility of the material they are testing.

Presume human blood got on that suit, and it was not washed for five months after, would you expect to get some coloring?—I would expect to get more definite evidence of human blood than I did get.

Further questioned, witness said that if there was blood the reaction was almost instantaneous. Regarding many of the spots on the suits the blue color signifying blood appeared almost instantaneously.

Mr. Parker: What is your opinion of that?—I simply say there is strong presumptive evidence of the presence of blood.

Where did you get the serum?—The Commonwealth Serum Laboratory.

Do you agree with this text book again that by means of the re-agent we have been able to detect one of blood in a 100,000th part dilution?—It is a delicate test.

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THE DEFENCE.

MR. LAVAN'S ADDRESS.

Mr. M. G. Lavan, counsel for the accused, commenced his opening address in defence at 12.25 p.m.

In this case, he said, the prisoner at the bar, George William Auburn, stood charged with the crime of wilful murder. It was scarcely necessary for him to impress upon them the supreme gravity of the charge with which the accused was charged. It was a charge upon which depended the

Life or Death

of a human being. Upon their verdict would depend whether Auburn would walk from the Court a free man or whether, on the other hand, he would be sent to an ignominious death.

The case had been a long and a trying one; an arduous one for the jury, for his Honor, for the Crown counsel and for himself. Particularly arduous had it been for him. It was a task that would try any man, and in acting for the defence he could almost say that he had the life or death of a fellow human being almost in his hands. It was a task that no person would envy, and it was certainly not a task that he envied himself having to undertake. He could not help saying at the outset of his case that he had sympathy for them in the long duty which had been thrust upon them. They had been taken from their business, pleasures and homes.

It was his intention so far as opening the case was concerned not to delay one moment longer than he could possibly help. He had a

Duty Cast Upon Him

as an advocate to defend Auburn in what he deemed to be a proper manner. He could assure them that so far as he was concerned he had not and would not consciously ask one question which did not seem to have rightly or wrongly some relevant point to the terrible issue which they had to try. He could promise that neither in his opening address nor in his examination of the witnesses whom he was going to call would he consciously waste any time. He did not intend to comment upon the evidence to be submitted or that put forward by the prosecution at that stage. A later opportunity would be provided him.

Before he proceeded with the calling of the evidence there were one or two brief remarks to make. He asked and implored the jury, by everything they held nearest and dearest, to maintain

An Open Mind

in connection with the charge, until the case had finished; until all the evidence had been heard. Then it would be for the jury to judge. In their hands, and in no others, rested the fate of the unfortunate young man in the dock. Fortunately in this case they would not be troubled with any questions of law, for there were none so far as he could see. There was an abundance of facts. In fact, there were so many facts it

Made One's Brain Reel

trying to retain the various ramifications of the case. It would be for them to say on these facts whether they were satisfied the accused was guilty or innocent of the charge. He also wanted them not to make up their minds until they had heard every thing, and to eliminate from their minds anything they may have heard or read in connection with the case outside the precincts of the Court. He knew it was difficult. The human mind was very receptive; and he would have something more to say on this point at a later stage. He begged of them, for the sake of justice and humanity, to eliminate from their minds anything they may have heard or read of the case, and to judge the man solely by the facts heard within the four walls of the Court.

Mr. Lavan, continuing his address—

He did not pretend for one moment that, in opening his case, it would be possible for him to deal with every bit of the evidence given for the Crown. He pointed out there was

A Mass of Evidence.

They had been going for nearly two weeks and had examined between 50 and 60 witnesses, and it would be impossible for any man to remember and to carry in his mind everything that might have to be dealt with. All he could hope to do was to indicate in a broad way the evidence he was about to call. He would do this without comment of any kind. The first witness he proposed to call in this case would be George William Auburn, the accused. There was no necessity for George Auburn to go into the witness-box, but he (Auburn) is

Not Afraid

to face his accusers. If he had wanted to do so, he could have made a statement from the dock upon which statement he could not be cross-examined, and it could not be commented upon even by counsel for the Crown that he had failed to give evidence on oath. Auburn would be going into that box to give his evidence. Auburn would tell them his age; he is about 21 years old. He was a motor mechanic, and worked in Winterbottom's for some time, and got some training there in the mechanical section, and the driving of cars. He does jobbing work on cars, motor cycles, and he supposed, cycles. He resided with his father, a respected member of the community, who had lived here many years, and was the lessee and licensee of the Osborne Park Hotel. He

Would Traverse His Movements.

beginning with the Monday of the week in which they were particularly concerned, prior to April 4. Auburn would say he was in town every night during that week. They would remember he went on two nights of that week to the theatre with Miss Sadler, and took her home. On two other nights he was up "there" with her, and came down on each occasion in time to catch the tram which would bring him out in time to connect up with the tram to Osborne Park. The last car to Osborne Park leaves the hotel corner at 11.28. Auburn would tell them he sometimes caught that last car, and sometimes one a little earlier, because they would remember he used to get off the tram and go into Miss Golding's small shop. Approximately the distance from Miss Golding's to the Osborne Park tram was about 300 yards.

Auburn would have to catch a car a little earlier than the one that left the Palace Hotel at 11.28 on the frequent occasions he went into the shop. The 11.28 ran right through and joined the Osborne Park tram. He therefore would not have time to walk the 300 yards, and he would catch on those occasions a car some time prior to the last car. But the car which he caught to Osborne Park from the junction of Mt. Hawthorn was almost always the last one on that route.

The first date of importance with which they had to deal really was Thursday, April 3. On that date the jury were told certain number plates were ordered. Auburn would tell them that his memory was that the plates were ordered on the Wednesday, but the jury had the evidence of the people at the place that it was Thursday. Whether it was or not, Auburn was still of opinion it was the Wednesday. The plates were ordered, at all events. It would be for the jury to remember, later on, that the first person to whom he went to order the plates was Edward Ramsay, who was a coach painter, of Newcastle-street. Ramsay knew and had known Auburn since he was a boy. Also, he had known his father and had done work for him in connection with motor cars. Auburn, who had known

him many years, went to Ramsay to secure a set of plates, and the plates he ordered, or wanted to get, were the number plates that applied to his father's own car, which was P38. That was the registered number of G. Auburn's, sen., own car. His (accused's father's) car was a single seater, and, counsel thought, an Overland. As counsel had said, the first person Auburn approached was Ramsay. The latter was unable to do the work, they knew why, and referred him somewhere else. As the result of that he went to Abbott and Rich, and there he did order the plates containing the number P38. The jury would be told that he was asked when he wanted them, and he said as soon as they could supply them. There was no question of saying to get them done in quick time, he wanted them as soon as he could get them, and, counsel thought, in the absence of his notes, that Auburn said he would call for them next day, or something to that effect. At any rate, whatever day it was, the plates were made, and Auburn arranged to call next day. On the Thursday night he requested

Miss Sadler to Call

for them. The jury would remember they went to the theatre that night, and he asked her to call for them on the Friday. Auburn would tell them that he did not tell Miss Sadler that he would be in Fremantle, or that he was working there. He simply said he would not be in town early enough. She went in on the Friday, got the number plates, took them to her house, and counsel did not remember if there was evidence on the point—he thought, said she did not pay for them. There was no evidence as to whom they were charged to.

His Honor: There was some.

Mr. Lavan: Oh, yes. I understand they were booked up to Geo. Auburn, jun., Osborne Park Hotel. Continuing, counsel said on the Friday, Auburn was at home most of the day. After all,

Friday was the Day

they were really mostly concerned with in this case. In the evening Auburn went in to Perth by the 6.15 car. A question was asked about the 6.45 tram, but Auburn would tell the jury it was the 6.15, and counsel also asked them to bear in mind that it was impossible to be completely accurate about times, but he would later put in the Osborne Park timetable showing when the trams did run. He believed it was 6.15, or very close to it. Auburn would say that he caught that car, came right in, caught another at the intersection of Newcastle and Beaufort streets, and went to Miss Sadler's place, arriving there about 7 o'clock. It would be quite clear to the jury he did arrive about 7, so that it could not possibly—this they would see from the times and distances to be proved—be the 6.45, and that it would be the 6.15 car. When he reached the house that evening he had nothing whatever with him in the shape of any parcel of any kind whatever. Auburn would give evidence that it was some weeks before that that the question of the

Trip to Wagin

had been suggested. It was talked of generally for some weeks, and finally three weeks before the actual date of the trip it was fixed that the trip to Wagin would take place on the Saturday three weeks ahead (April 5). Auburn would tell them that he did not say that he was going to

Borrow a Car

and that he mentioned the names of two cars—the Buick and the Willys-Knight, and that Mr. Ford's name was mentioned as a man from whom he would borrow the car. Counsel did not propose to go into detail, but accused would tell them why he said these things. He would say that on the Thursday night he did tell Miss Sadler that he would be up the following night with the car to make an early start on Saturday morning for Wagin. Counsel thought they would find these incidents would be satisfactorily explained. On the Friday night he went up, and it

was important that they bear in mind that prior to this, the number of the party was arranged. The party which was going to Wagin was Auburn, Mr. and Mrs. Moir, Miss Sadler, the two Quigleys, and three children. That party was arranged several days before the Friday. When he went to the house, accused would tell them, he

Brought Nothing With Him.

He came in, threw his hat down on a high chair—one of those chairs used by children—got talking to Miss Sadler, and he would say that he saw no parcel on that chair, and that he did not pick up an article and say "to rap you on the head with." They would be told by him, and it would be borne out in evidence, that when he left he took nothing away with him. Counsel would refer afterwards to the effect of that evidence. Accused would tell why the number plates were obtained. For some time he had been promising his father to get him a new set of number plates. He ordered them, and brought them to Moir's, and so far as he is aware now, he did not take them away from Moir's, because he has no recollection of taking anything from Moir's, and he (counsel) thought the evidence would convince them on that. When he left Moir's, although it had been arranged that he come up on the Friday and bring the car and stay that night, there was nothing definite as to whether he was returning that night or not.

There Was a "Tiff"

between himself and Miss Sadler. He wanted her to go into town, but she was in a temper—accused might have been, too—and she would not go. He left at approximately 7.30 or a little later. Counsel wanted the jury to bear in mind that Auburn did not pretend to be accurate in his times. He had no watch; or had not at that time, but he arrived about 7, and stayed about half an hour. Counsel thought they would be satisfied he left at 7.30 or 7.40. Accused would say that he did go to

The Grand Theatre.

The time he actually got into the theatre, and the time he got out he could not say. Counsel did not know, but he supposed it would be about 10 minutes' run from Mt. Lawley to Barrack-street. The time Auburn got out he was unequally able to tell them, but counsel thought he would be able to satisfy them as to the approximate time he got out of the show.

After the luncheon adjournment Mr. Lavan continued his address to the jury. He had said that Auburn left the pictures and went straight up Beaufort-street over the bridge and went to the shop of two ladies who carry on business at the corner of Beaufort and Newcastle streets. These ladies would say that since they took over the business early in March George Auburn had been a regular customer every night, for certain provisions, and always came in there after 11 p.m. These two ladies would substantiate that it was about 10 p.m. on the Friday night that Auburn came into the shop. They would give their reasons for fixing the time, as in the past he had always come in after 11 p.m. for the purpose of getting supplies. His unusual action in coming in that night at 10 p.m.—when they were not ready to supply his order—

Rather Surprised Them.

When they heard these witnesses they would be satisfied he thought that at approximately 10 p.m. that night Auburn was in fact in that shop. After making the purchases Auburn walked back along Beaufort-street in order to go over the Railway Bridge and catch his car at Trouchet's corner. He did this because he thought he had a better chance of getting a seat than by waiting at the corner of Beaufort and Newcastle streets. Before he got to the corner he discovered that all the money he had left was 3d. He walked up Barrack-street, along Hay-street, and down to Murray-street to see if he could come across anyone he knew for the pur-

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pose of getting some money. He didn't, and when he got to the corner of Murray and William streets he

Decided to Walk

out to the Leederville Hotel. From here to Osborne Park the fare was 3d. Auburn would tell them he strolled along leisurely. What time it was when he got to the subway he could not say, because he had no watch, but a witness would be called who would tell the time it would take to walk at an average pace from the shop in Beaufort-street along the roads he had indicated to the subway, and then on to the Leederville Hotel. It would be shown that walking at an ordinary pace it would take 55 minutes to the Leederville Hotel and something between 35 and 40 minutes to the subway. If Auburn left the shop about 10.5 and strolled along leisurely it would be getting on close to 11 p.m. before he got to the subway.

Going under the subway he

Picked Up a Coat

and examined it. He does not recollect putting it on. From there he walked to the Leederville Hotel. He took the road to the left, the natural road. He struck the Thomas-street bridge, and walked along the footpath on the Perth side. Two men walking into the opposite direction.

Cannoned Into Him

and hurt him on his wounded arm. At the Leederville Hotel he picked up a car, at what time he does not know. It must have been one before the last, because before going on he got out and made some purchases at Miss Golding's shop. He then had to walk some 300 yards and catch the Osborne Park car. That must have been before the 11.28 car. Opposite the Oxford Hotel is the shop of the two Miss Golding. On the car also was a young man, Cecil White. He did not see White until the latter was leaving the car. He then

Borrowed 2s from White.

went to Miss Golding's shop and spent the 2s on goods. He then walked to the Mt. Hawthorn terminus and caught his car, on which were three men he knew. He stood on the front of the car with the driver, M'Kenzie, as has been his usual practice. He asked the driver for some matches, and that he should

See Him Home

as far as the hotel, as he felt a bit crook. Auburn undoubtedly suffered from his arm, as will be shown. He was wearing an overcoat when M'Kenzie walked with him to his home. This evidence will establish Auburn's movements that night. He hoped to convince the jury that he had nothing to do with the murder.

On the Monday Morning

the weather was threatening, and Auburn wore his grey suit down to breakfast.

Miss Coombs waited on the table, and saw him about the house, and she would say what clothing he had on. He got a ring from Miss Sadler some time about 11 o'clock, and she had told the jury what he said. He came in the car

With his Father to Town,

and went up to see Miss Sadler. She asked why he did not come back on the previous night. He will say that he told her there was some difficulty about the car that would be explained to them. He did not mention any part of the car or say it broke down. Accused would say that Miss Sadler made no reference to the grey suit, and that he did not say he tore his blue suit. It was his custom on days that were wet or threatening, as this was, to wear his grey suit. She was going the

Following Morning to Wagin,

and when she told him of it he said he would hire a car. He (Auburn) then left Moir's to hire a car, which he did from Singe. Singe's car was a large one in that it contained "dicky" seats, and the party was a large one. The party was picked up; the car went to Osborne Park, and got the bag and overcoat which was at the hotel. Nothing much turned on the Wagin transaction, except that the coat was

taken and was unfortunately left at Wagin. They had been told there was a

Discussion About the Murder

at Quartermaine's between Singe, Quartermaine, and Auburn, when they were putting petrol in the car. They would be convinced, counsel thought, that that story was not correct. The next morning, which seemed to be a hurried morning, the coat was left behind inadvertently. The party had dinner at Quartermaine's and the jury had been told the murder was discussed in the presence of Auburn, and also on the verandah, but Auburn would say the first he heard of the murder was when he got back to Perth.

When he got off, Holmes spoke to him about the murder. Auburn said

"What Murder?"

That was the first time Auburn had heard of it. There was another witness he saw that night. Mr. Percy Crisp spoke to him shortly after, about the murder, and he said that all he knew was what Holmes had just told him, explaining that he had been away in the country. Auburn then went home, and on Monday came into town early in the morning, seeing Blackmore about 9 o'clock. Auburn went home early that Monday, and went over to Eddy's store. There was a motor cycle in the yard belonging to Charlie Johnson, with some bags thrown over it. Auburn took the bicycle to his own place, and there effected some temporary repairs. In the afternoon he left home with the machine, and went up Oxford and Thomas streets, through Claremont and back

Through Westana-road.

He would say that at one point, the belt came off the machine, and Auburn pushed the bicycle to the top of the hill, then mounted it, and coasted to the bottom. Here he got off to effect the repairs, and sat down. It was here he noticed the tracks of a car, and the broken down foliage, together with traces of engine oil. He fixed up the bicycle and returned to Perth. He did not inform the police of that kind for some days afterwards, for he did not attach a great deal of importance to it at first. On the following Friday he

Told the Police Voluntarily.

It would be proved to the jury that on the previous Friday—April 4—Charlie Johnson did bring his bicycle to the Osborne Park Hotel. Mr. Auburn, sen., would say he saw Charlie Johnson there, had a conversation with him, and saw him take the bicycle in the direction of Eddy's. George Auburn was seen with a motor cycle at the hotel just before dinner time on the Monday, and was seen later in the afternoon to ride off in the direction of Perth. On Monday night he went into town and read in the paper that all

Overcoat Was Missing,

belonging to O'Neil. It struck him that possibly this coat might have something to do with the murder, and he went to the detective office and told them about it.

Auburn will say he did not tell Purdue he would wire for it. Auburn came to town on Friday, and told M'Kenzie he had been to the police about the overcoat the night before. In the evening, in accordance with an arrangement made previously, he took Singe's car to Cottesloe with Miss Sadler and the two Miss Quigleys. The

Murder Was Discussed

to some extent in the car. Auburn had asked one of the Miss Quigleys for

Mr. Allport's Address

at Wagin, and she told him. On the Wednesday Auburn went into the detective office and saw Detective-Sergeant Purdue, and there had been some conversation regarding the coat. He will say he did not tell Purdue he had wired or written for it, but that he told him Allport's address as given to him by Miss Quigley. On the same day he saw Cecil James, and told him about the

Finding of the Coat

in the subway. On Thursday he was with York in Roe-street. Detective Purdue beckoned to him, and said he wanted

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to see him at the detective office. All that happened was that Purdue asked

When It Would Be Convenient
for Auburn to show them where he had found the overcoat. The hour fixed for the visit was 2 p.m. on the next day. He pointed out to Doyle and Kennedy the spot. On the way he also told them of his discovery on the previous Monday. They all saw Purdue later, and shortly after a motor car was requisitioned and a party of them, including Auburn,

Went to Westana-road.
On the way they pulled up at the top of the hill, but Auburn said the spot was further down. A little way on he told the detectives they had arrived at the spot. Two of the detectives said there were two tracks coming to a common point, and going on like an inverted "Y." Auburn is alleged to have said "This is where he was dragged in (on the Claremont side) and this is where he was dragged out (on the other side)." He will tell you that he said nothing of the sort.

There were some remarks about
The Drag Marks,
but he did not say that. It was impossible for counsel to remember everything; the only other point he could think of was the piece of glass. Auburn said it looked like a piece of glass from a spotlight. They got back to Perth some time after six, and he was kept there until after nine. At that time he was there with Purdue, and during that time the statement was taken. Purdue said that before they went away the boy said something about breaking his mother's heart, and asked them to go out after nine. The jury did not need counsel to outline the truth of that statement. Purdue said to counsel that Auburn exclaimed

"Put Me In, And I'll Admit Everything"
That statement would be denied, and counsel thought the jury would be convinced it was not said.

Purdue had told the Court that there was a conversation in which Auburn said "Would I have brought you the coat if I were a guilty man?" and Purdue said something about the coat being advertised for in the papers. Auburn then asked the same question relative to the finding of the Westana-road tracks, and Purdue said something about

"Murderers Going Back To Their Tracks."
or words of that kind. Counsel pointed out to Purdue at the time that this evidence was not given in the Lower Court, and counsel cross-examined him very closely about it. It was counsel's duty to do so, and he "went for him over it." There was no time when cross-examining to ask anything, but he had since been informed by Auburn that a conversation of that nature did take place. Auburn, however, would deny that he said to Sgt. Purdue, "Put me inside and I will admit everything," and he would give ample reasons why he didn't say it.

Auburn was kept from 2 o'clock until 9.30

Without Bits or Snip.
He was then taken out to the hotel, where some clothes were examined hanging on the back of a chair in a room. Sgt. Doyle picked up the suit which had apparently been washed some little time before, but had not been pressed. Auburn said he had washed it preparatory to cleaning it up, as he had got oil on it. Auburn would say he had not worn the suit into town for some time. He had two suits made in Melbourne about two years ago. One was kept for best and the other hacked about while tinkering with cars. Auburn had another old blue coat which had been produced in court. It was important to remember that

The Old Blue Coat
never had at any time a jigger button on it. The coat which had been washed a fortnight before had had the jigger button off for some months. It had evidently been sewn on several times, and the last time

when snipping off the shank it had clipped a little of the material, and the hole had been sewed up by Auburn. After that Auburn was brought to the detective office at 10.30, and they didn't get to Dr. Barker's until 1 a.m., so the detectives had him for another couple of hours, and all the time without anything to eat. The doctor

Examined the Scar
on his arm.

After he left Dr. Barker, Purdue called him on one side. He will tell you later what the detective said. Auburn was then taken home, it being arranged that he should return to the detective office at 2 the following afternoon. He was kept there five and a half hours. There was a conversation about going home till Monday, but he did not say to the detective, "I will give you satisfaction; to you, and not to me." What he had said, when Purdue pressed him, was, "I will give

Satisfaction to You and to Me."
On the Saturday morning he had met Blackmore. At no time had he mentioned to Blackmore anything about a Dodge car. He talked with Blackmore on Saturday about the trip to Wagin, and about the trip on a previous night. The murder was also mentioned, as well as the finding of the tracks. He did not say he had found them while driving in Singe's car, as Blackmore had stated. What happened was that they talked about Singe's car and other matters, and no doubt Blackmore had mixed up what had been said. That night he saw Percy York also. There was a conversation about the overcoat, and the finding of the spot at Nedlands as he passed by. On Sunday Auburn had an interview with Percy Crisp. In the main the statement regarding the interview is correct, but it is

Not Correct in One Particular.
Crisp said Auburn had stated he did not know the motor man on the tram. Auburn said that did not occur, for he had told the detectives the names of the people on the car. Cecil James went out to the hotel on the Sunday. Auburn had a bicycle, and they went into town together and had tea.

There was a conversation of the details of which James is not sure. It was about Auburn getting blood on his arm through lifting a cylinder. Auburn says he told James the clothes had been washed twice, but the last time was to remove grease and petrol, which had got on the suit.

Monson Was Next Met,
and was told by Auburn that he (Auburn) had got muddled up and the jury would think that likely. Monson advised him to say nothing further. Auburn made an appointment with the detective for 2 p.m. the next day, but did not keep it. There was a meeting with Monson, not by appointment, and

Miss Sadler Was Rung Up.
The conversation, as detailed, was partly accurate and partly inaccurate. He asked if anybody had been up to see her, and she said no. He asked if she remembered his being at Moir's, and leaving about 7.30. She said she did. He told her if anybody came to see her to tell them what she had told him; that was the truth.

On the Monday Auburn did not go to the detective office at the time arranged. He went later, and Auburn, who had his hat and coat off, said:

"I Cannot Tell You More Than I Have."
Then a conversation took place, and he asked if he could go to tea, which he did. Before he went he said if they wanted him to let him know and he would come in. Two days afterwards he was arrested. Two witnesses would be called who drove through Vincent-street in a motor car between 11.15 and 12 midnight on Friday, and who would say there was no motor car there at that time. Mr. Moir, who would be called, would say that Auburn had no parcel with him when he called on the Friday evening, nor when he left. Moir, too, had seen the arm bleeding and

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bandaged up, and had also heard the request by Auburn to Miss Sadler to go into town. He was also present the following day when Auburn turned up. Auburn did not say anything about

The Car Breaking Down

or of tearing his clothes, or of the grey suit. Moir was one of those who took the trip to Wagin, and whose name was mentioned as being present when a conversation took place about the murder in Auburn's presence. Moir would say he heard of the murder outside the Osborne Park Hotel when Auburn went inside. The murder was never afterwards discussed in Auburn's presence. He would say that the statement of Quartermaine was incorrect, in so far as it was he, and not Auburn, who went down to get the petrol together.

Auburn, Sen., Would Give Evidence in regard to George's arm, and further would say that George invariably washed his own clothing, and nearly always used the bathroom for this purpose. Mrs. Auburn would be called to substantiate the fact.

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The defence of George William Auburn was commenced in earnest this morning in the Supreme Court before Mr. Justice Draper and a jury.

The accused, who is 21 years of age, and is described as a mechanical expert, is alleged to have on April 4 wilfully murdered John George O'Neil, a taxi motor driver, at Claremont.

The defence is conducted by Mr. M. G. Lavan, with Mr. J. F. Walsh, while the Crown Prosecutor (Mr. H. Parker) is assisted by Mr. A. G. Haynes.

Yesterday afternoon, Mr. Lavan practically devoted himself to an opening address to the jury, the accused only being in the witness-box for a few minutes.

This morning George Auburn again took his stand as a witness, the public portion of the Court being filled as usual.

A policeman accompanied Auburn to the witness-box and occupied a seat close by.

To Mr. Lavan, the accused said he did not know John George O'Neil, and had never seen him in his life. On the Thursday night he told Miss Sadler he would be up the next night with the car. During the Thursday he was assisting the barman in the hotel. Till about 3.30 p.m. he remained home on the Friday. He then went to town, returning home about 5.30.

ON FRIDAY NIGHT.

He caught a tram on Friday, April 4, at 6.15 p.m., and had to catch three different trams to get to Miss Sadler's place, reaching the house a few minutes after 7. He left again about 7.30. At Moir's, where Miss Sadler was living, he first saw Miss the children, Mrs. Moir was in the bath-Sadler, and then Mr. and Mrs. Moir and room when he went into the house, and Mr. Moir was in the hall, he thought. Three weeks prior to this a motor trip had been discussed. On the Friday night he was wearing the same suit as he now wore, and the hat that was in Court. Miss Sadler said she handed the plates to him on the Friday night. She either handed them to him or mentioned something about them. He took nothing with him to the house. He went in the back door of Moir's and put his hat down on a chair. He saw no parcel such as Miss Sadler described. He had no recollection of any conversation such as "I will hit you on the head" taking place. It was arranged that they should start early Saturday morning—about 8 or 9. That night at the house relations between him and Miss Sadler were rather strained. It was not the first time. He asked if she would go to town and she refused, saying she had too much work to do. When he left he took nothing away with him. He went to town by tram and went to the corner of Murray and Barrack streets. It all depended on the traffic how long it takes to get to Perth. He could not say how long it took that night. He went to the Grand Theatre. After the show he went up Barrack-street into Beaufort-street, and to a shop at the corner of Newcastle and Beaufort streets, a shop to which he went regularly for supper. On other nights he usually called about 11.30 to get hot pies and a bottle of cool drink. This night he got the same, but the pies were cold. He paid for what he got, and then walked up Beaufort-street, intending to catch his tram at the Wellington-street corner.

ONLY THREEPENCE.

When on top of the Beaufort-street bridge he found he had insufficient money to take him home. He walked up Barrack-street, along Hay-street, and down William-street, as far as Murray-street. Having seen nobody he knew, he decided to walk to the Leederville Hotel. He had threepence. He walked leisurely along Murray-street, down George-street, into Marquis-street, and under the subway into Railway-parade.

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FINDING THE OVERCOAT

In the subway he saw an overcoat, which he picked up, put over his arm, and walked on. He could not say whether he put the coat on. From Railway-parade he turned off to the Leederville Hotel.

HIS ARM BLEEDS.

When walking along a footpath on the east side, near Chinese gardens, he accidentally bumped into two men going in the direction of Thomas-street bridge. It caused his arm to bleed.

Mr. Lavan raised the question of the jury seeing the accused's arm, and it was decided it should be examined at 12.15.

Continuing, the witness said one trickle of blood went to the palm of his hand. The wound had been in his arm for two and a half years, and it bled badly at times.

To his Honor: It was not caused at the same time as the arm was broken.

His Honor inspected a map produced by Mr. Parker, tracing the movements outlined by Auburn.

The accused, proceeding, said that he reached the Leederville Hotel, and caught a tram at that corner. The number of the car might have been 15 or 16. When he had boarded that he saw the witness Lean.

A LOAN OF 2s.

Later on he saw Cecil White as he was leaving the tram. He stood on the back platform for a time before alighting. He was not on the platform when accused got aboard. White loaned him 2s at his request. He (Auburn) left the car at the Oxford Hotel corner, and went to the fish shop of the Misses Golding. He purchased fish and chips, but could not say what quantity, it might have been 1s or 1s 6d worth. He walked from there to the Mt. Hawthorn terminus. He thought it was about a quarter of a mile from Miss Golding's to the corner, which distance he walked. When he got there the Osborne Park car had not come in, and he had to wait some time for it. He saw several people there, including Mr. Eddy. He got on the tram and saw Jack Gardner. Witness travelled on the front footboard.

NOT "TOO GOOD."

He paid his fare, and at his destination asked M'Kenzie, the tram driver, for a few matches. Witness asked M'Kenzie to come as far as the back gate with him, as he was not feeling "too good." His arm had broken open, making him feed unwell. When his arm was knocked, it sometimes broke open or got very irritable, and there was sometimes a good deal of pain with it. M'Kenzie went as far as the back gate, and witness went inside. To get to his room he had to pass two rooms, his mother's and his father's. He did not leave the house again that night. From Mt. Hawthorn to Osborne Park terminus was about a quarter of an hour in the tram.

THE SATURDAY.

Next morning he rose about 8 o'clock. It was a "threatening" morning, and he put on his grey suit, which he usually wore in wet weather. He went to breakfast, and Marie Coombs served his breakfast. Afterwards he frequently saw Miss Coombs about the house. Between 10 and 11 he received a telephone message from Miss Sadler. He agreed with the version of the conversation outlined by Miss Sadler. Eventually he went to Miss Sadler's place, where he saw Mr. and Mrs. Moir, and about three-quarters of an hour afterwards Miss Sadler came in.

ARRANGING FOR A CAR.

When he left on the Friday night there was nothing definite about his coming back and when Miss Sadler came in on the Saturday she asked witness why he did not come up. He said he had had some difficulty about arranging for the car. Prior to that there was talk about borrowing a car. Some weeks before he said he would

borrow a car from Mr. Ford. His reason for saying he would borrow a car was that he did not want them to know he was going to hire a car. He knew they would be averse to that.

That morning Miss Sadler made no remark about his grey suit; nor did he say anything about tearing his blue suit. Nothing was said by him about the car breaking down.

THE WAGIN TRIP.

When he left he went to hire a car, knowing that on the following Wednesday Miss Sadler was going to Wooroloo. He told her he was going to hire a car, she having expressed a desire to see her sister at Wagin. It was her last chance before she went to Wooroloo. Singe's car was hired by witness to take them to Wagin. Singe said it did not matter about payment until the end of the month. The car was driven to Woodroyd-street, where the party was picked up, and from there to the Osborne Park Hotel, to enable witness to get his bag and overcoat. Some of the passengers were dropped at Quartermaine's farm, these being Mr. and Mrs. Moir and the three children. On the road down as far as Quartermaine's, witness heard no mention of the murder. He heard Quartermaine's evidence. Witness did not do as Quartermaine said he had done; it was Moir. The rest of the party drove on to Wagin, the lady members getting off at Allport's, and Singe and witness proceeding to the Federal Hotel to stay the night. When they arrived, the rooms were booked, and he (witness) cleaned out the back of the car. The two rugs, overcoat, and suitcase were taken out. He placed the overcoat on a rail while he folded the rugs. He had no thought of the overcoat that night. Next morning, after breakfast, they wanted petrol, and there was some difficulty in getting it owing to the day being Sunday. They called at Allport's and the hospital, and from there proceeded to Quartermaine's. Mr. and Mrs. Moir and the three children were brought back to the hospital. Afterwards they went to Quartermaine's for dinner, the whole party being present with the exception of the Misses Quigley. Having had dinner, they set out for Perth, leaving about 3 o'clock.

NOTHING OF THE MURDER.

He heard nothing of the murder mentioned at Quartermaine's farm. It was not mentioned at the dinner table so far as he knew. He remembered someone at the farm asking about the coat, and he said it was in the car. Miss Quigley had a look, but couldn't find it. He thought Singe had collected it in the morning. They came to Perth and went straight up to Moir's and then down to the corner of Newcastle and Beaufort streets to catch a car. While there he met Mr. Holmes. Mr. Holmes's evidence regarding the conversation about the murder was correct. He was talking to Holmes for a couple of minutes. That was the first he knew of the murder. Later he met Mr. Crisp, and witness stated that Crisp's evidence concerning their conversation was correct. Witness then went home.

THE WESTANA-ROAD DISCOVERY

He knew Charlie Johnston, who had an old Quadrant motor cycle, which he had several times repaired for him. About four months previously he had done some work on it. On Monday, April 7, he saw Blackmore, between 10 and 11, and then went straight home. During the morning he went to Eddy's store, and there saw the bicycle covered with bags. He took the bicycle around to the back of the hotel. About a week previous Johnston had spoken to him about the machine. At the hotel he practically dismantled the machine, taking an hour or an hour and a half. In the afternoon he went for a ride on the machine, which he had fixed up, and went towards Perth over the Thomas-street bridge, straight down Thomas-street, along the Nedlands tramline to the Perth-Fremantle-road.

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He went down the Fern-remantie-road to Claremont, down Bay View-terrace, around the river, and into Westana-road. As he was going up an incline the cycle stopped, the belt having come off. He got on to the bike and "coasted" down on to the level road. There he dismounted, and, having to put on the belt, he sat down, feeling a "bit tired" after pushing the bicycle up the other side. While sitting there he noticed a broken tree and some motor tracks alongside, and running parallel with the road. Some shrubs were broken down, the leaves of which were stained with oil. In towards the bush there were two distinct tracks. He was there about ten minutes altogether before proceeding along the road to Nedlands and thence to his home. He had been along Westana-road on a motor cycle several times. He thought that when he got home he put the cycle in Eddy's yard.

REPORTING TO DETECTIVES.

On the Monday night he went to Woodroyd-street to see Miss Sadler. She was in town and witness went to the detective office. He had read in the papers that an overcoat was missing. He told Purdue that he had found a coat in the West Perth subway and had noticed the advertisement in the paper, and he asked Purdue for a description of the coat. After some time that was supplied, and he said the coat he had was pretty well the same. Witness told him the coat was at Wagin. Purdue asked him when he could obtain it, and witness said it would probably come down in two or three days' time. If it did not, he (witness) said he would write for it. He never said he would wire for it. Witness also told him when he found it, and how he had been to the theatre and walked out that way as he only had 3d, to catch the car at the Leederville Hotel, and also that he thought the coat had fallen from a car. He also tendered his name and address to Purdue.

Continuing his evidence, Auburn said that on Tuesday he came to town in the morning; he could not remember the exact time. McKenzie was the tram driver, and witness told him of the finding of the coat and that he had been to the detectives. That night he went in Singe's car to Cottesloe with Miss Sadler and the Quizley sisters. When he went up for Miss Sadler she did make a remark about the murder. There was also "a little talk" of it in the car. He asked one of the Misses Quizley for the address of Allport. The following day (Wednesday) he saw Cecil James and told him that he had found a coat which the detectives believed belonged to John O'Neil. He called at the C.I.D. that night, and saw Purdue and gave him Allport's address. Witness's object in going there that night was to determine whether the coat had arrived. Purdue did not ask, "Have you wired as promised?" and witness did not tell him he had written to Allport. That was all that occurred at that time.

O'NEIL'S OVERCOAT.

He knew a man named Hearn slightly, and remembered seeing him that night with Blackmore. Witness said he told Blackmore he had been down to the C.I.D. Witness showed him a copy of "The Daily News" referring to the coat. He did not remember saying to him that he showed the coat to Singe the next day, and that Singe said it was "a decent coat." Witness told Blackmore he had taken it to Wagin in Singe's car. On Thursday, April 10, he remembered seeing Purdue when in company with York. Purdue was then in the police car going along Roe-street, and witness was at the foot of the Horseshoe Bridge. Purdue beckoned witness to go to the police buildings. He told York about finding the coat, and that the detectives believed it belonged to John O'Neil. He went to the detective office straight away with York, and saw a member of the staff asking how long it would be before Purdue would be back. That night at 8 p.m. he went back. Purdue was not there, but

he saw him in front of McCarthy's Hotel. Purdue said, "Would you mind showing me the spot where the coat was picked up?" He said "Certainly," and suggested an appointment for 2 p.m. next day. On the Friday he went to the detective office at 2 p.m. as arranged and accompanied Dets. Doyle and Kennedy in the police car to the subway.

AT WESTANA-ROAD.

On the way he told the detective what he had seen the previous Monday at Westana-road. He denied that he had said anything about something being dragged in and out. He had only referred to wheel marks. At that time he offered to show Doyle the spot. When returning from the subway witness asked if Doyle was going to see the tracks, and he said he would see Purdue. When they got back Purdue was consulted, and witness confirmed what Doyle told Purdue. They went to Westana-road immediately, going via Nedlands.

Opposite some tracks Purdue told the driver to pull up, but witness told them the place was further down. Witness indicated to the driver where to pull up. He showed them the tracks and marks. He remembered the drag marks in the shape of an inverted "Y," but did not say "that is where it was dragged in and that is where it was dragged out." The detectives had a conversation among themselves about the tracks, but witness did not join in. When Robinson showed witness the piece of glass witness said it looked as if it came from a spotlight and that was obvious.

THE FIRST STATEMENT.

From there he was taken to the C.I.D., where he arrived some time after 6 p.m. They left the detective office about 9.30 to go to Osborne Park Hotel. That was only a rough estimate of the time. In the meantime he was at the C.I.D., and had nothing to eat or drink. Out at Westana-road, he asked if he could have a shave and some tea, but they said they would not be long. At the detective office he did not mention tea. A statement was taken from him, the taking of it occupying the whole time he was there. He "put it out in his own way, and he was questioned, and it was revised." It was read over to him, and he signed it. He did not remember whether he read it over himself.

"PUT ME INSIDE."

Witness asked if he could stop at the police station, and said that his mother was ill and the shock might affect her. He certainly did not at any time say, "Put me inside and I'll admit everything." Witness remained in the car while they spoke to his father, and he was then asked to lead them to his room.

THE WASHED CLOTHES.

His clothes were there the same as usual. He put his coats on the backs of the chairs, and his trousers and vests on the seats. He believed there was an old pair of trousers—he was not sure of the article—on the washstand. There was a suit which had been washed and from which the link button was missing in the room. The button had been missing about, he thought, five months. Half the shank was left on the coat, and he cut it off with a pair of scissors, and in so doing he went too close and cut out a piece of the serge. Witness drew it together with needle and cotton. The suit was washed about three and a half or four weeks before that visit. He washed it because it became greasy and grimy. He always used it when overhauling cars.

THE BLOODSTAINS.

It had also been washed about the beginning of the year, because there were bloodstains on it. Most of the bloodstains were from his right arm. To his knowledge it contained no bloodstains when it was washed the second time. He referred to the coat and trousers, not the vest. He did most of his own washing himself, usually using the bathroom. He also pressed and cleaned his clothes, using

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petrol and an electric iron. He remembered telling Sergt. Doyle that the coat had been washed two or three weeks previously by him. A hole was shown him where the link button had been, and he said that on the last occasion he had made the shank for it. Prior to the suit being washed the second time, he had not worn the suit into town for two months, approximately. At that time he had in his possession the washed suit, the suit he was now wearing, and a blue suit. The old grimy coat (referred to by witness Blackmore yesterday) had never had a link button.

EXAMINING AUBURN'S ARM.

Mr. Parker asked permission to be present when an examination of Auburn's arm was made by the jury. After some argument with Mr. Lavan, it was agreed that the jury should examine it at 2 p.m. and Mr. Parker at 2.15 p.m.

THE COURT CLEARED.

Quite a number of the spectators at this morning's session carried their lunch with them, intending, no doubt, to partake of it without leaving their seats in the gallery. The gallery, however, was cleared at 1 p.m.

AUBURN'S ARM.

Just before 2 o'clock the Court was again cleared, the Press being included in the exodus. The reason assigned for this step was to give the jury an opportunity of seeing Auburn's wounded arm.

At 2.15 the police allowed the gallery to be refilled and several constables were required to maintain order. Women were jostled about, and many only gained their seats with dresses torn and hats askew. About 100 people were turned away.

Auburn (the accused) to Mr. Lavan said the detectives showed him two buttons, which he said looked alike. From the time of his arrest he was wearing the blue suit. During the inquest he wore his grey suit. When he went to Fremantle in the grey suit the blue suit was left at the lock-up, in order that it might be cleaned. After he had been in Fremantle some days he told his brother to bring it down to him after getting it pressed. He also made arrangement to get a hat cleaned. While at the hotel the detectives took possession of some clothing, and the party returned to the police station arriving about 10.30. Another statement was taken from him. This took from 10.30 p.m. to 12.45, and during this time he was being questioned mainly by Detective Purdue.

AT DR. BARKER'S.

From the police station he was taken to Dr. Barker's, where his arm was examined. Purdue then took him about 15ft. from the back of the car and said, "If you have anything on your mind get it off pretty quick—straight away." Purdue said, "If you have any friends in oon this they will soon drop you." Witness asked how the position stood regarding himself. To this Purdue never answered. Purdue said he would take witness home and leave him until the morning. The accused said he asked Purdue to explain the position to his mother and father.

To this he gave no answer. He advised witness again to "get it off his chest." He several times told him to get it off his chest. Detective Doyle told him not to be a fool. Purdue asked if witness was telling him everything he knew about Westana-road, and he replied that he had done so. Eventually he was taken home at about 2 a.m. Purdue told him to return at 2 o'clock on the following afternoon. He saw Blackmore about 12 noon on the Saturday at his surgery. He told him that the detectives had searched his room, that he had shown them the spot on Westana-road, and that he had a further appointment with Detective Purdue at 2 o'clock. The Wagin trip was mentioned, and Singe's car was referred to. There was also a reference to the trip on the Tuesday night. It was a fairly long

conversation. He had not told Blackmore he had seen the tracks along Westana-road when riding in Singe's car. Witness told Blackmore the detectives had found in his room the suit that had been washed, and he described it to him. Blackmore said he had not seen him wearing it for some time—for some months, he thought. Witness also told him the button had been missing. At 2 p.m. he visited the detective office, and was kept there until about 7.30 that evening, without any interval. Detective Purdue was there practically all the time. No statement was taken, but from 2.30 to 7 witness was being questioned—the coat being advertised for. Witness thought he did say to Purdue, "Do you think I would have brought the coat if I were guilty?" So far as witness could remember, Purdue said something about the coat being advertised for. Witness also asked the same question relative to Westana-road, and Purdue said, "murderers always return to the scene of the crime."

A SKETCH.

On the Saturday Purdue discussed with witness several ways the murder could have been committed. Purdue had a sketch on paper of the motor car and supposed that five persons, including O'Neil, were in it. He had witness sitting next to the driver. "One way it could have happened," said Purdue, "was that something immoral might have taken place in the back seat, to which O'Neil objected. O'Neil was then hit from the back, and the blood would go on to witness's clothes. Witness would be an unwilling accomplice." Purdue suggested he would be in the front seat. Witness kept on saying to Purdue he knew nothing about it, but Purdue was not content with that answer. Purdue would then go over the same ground and all of a sudden would ask, "How did it happen?"—trying to catch him. He asked Purdue at the end of the interview (about 6.45) how the matter stood so far as he (witness) was concerned. Purdue said "I cannot say." Witness could not get satisfaction. Witness asked "Can I go home?" and Purdue said "I can't say even as to that. I had better see Inspector Condon." When he came back he said "If I let you go till Monday, you will come in and tell the truth about the whole affair." Witness said he said "I have already told you the truth." Purdue said "Yes, we all know that," and said "You will come back on Monday?" Witness said, "I can only tell you the same." Purdue then said, "We will let you go if you come back and give satisfaction to the authorities."

"SATISFACTION TO YOU AND MYSELF."

Witness replied, "I will give satisfaction to you and to myself, too." Detective Purdue then let him go. Witness did not say "Satisfaction to you and not to me." On the Saturday night, (12th) witness saw York. On the Sunday afternoon Cecil James went out to witness's place about 4.30. At that time he was repairing Johnson's motor cycle. Two or three minutes later they both went up to the hotel, and James went with witness to his room. Conversation turned upon witness and the detectives. Witness related to James what had occurred in connection with the searching of his room. He had told James how he had washed his clothes in January, because of the blood stains upon them from his wounded arm, and later to get the green stains and dirt out of them. That night witness went to town with James about 7.30. They met Monson about 8.15. The conversation as detailed by James and Monson was fairly correct. He did not recollect any mention being made of seeing a solicitor. Witness did not see one until the 16th. On Monday morning he met Monson in town by accident and went to the Post Office with him.

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TALK WITH MISS SADLER.

They rang up Miss Sadler. Monson went to the 'phone first. It was some time before they could get through. Witness had asked Miss Sadler why she had not written to him, and she replied she had been busy attending lectures. Witness then asked if anyone had been to see her, and she replied, "No." Witness asked if she remembered him going up there on the previous Friday night. She replied, "Yes." Witness asked, "How long do you think I stopped there?" She replied, "About half an hour." Witness then said, "If anyone goes up to see you, and you say that, you will be telling the truth." She replied, "Of course." Witness then said, "There is no need to say anything else, but what I have just told you." Miss Sadler said witness had arrived at her home about 7 o'clock, and left half an hour later. Witness did not keep the appointment at 2 p.m. with the detectives, and did not get to their office till about 5. No one was there, and he waited till Detective Purdue arrived.

2/16/24

When our report of the proceedings in the Dalkeith murder trial closed yesterday, George William Auburn, who is charged with the murder of John George O'Neil was facing Mr. H. Parker's cross-examination.

DO YOU KNOW ANYTHING OF THE CRIME?

The last question put by Mr. Lavan to Auburn was, "Do you know anything of the death of John George O'Neil, or are you in any way responsible for it?"

Auburn answered in a firm voice: "No; certainly not."

Hardly had the witness answered before Mr. Parker commenced to question him.

Mr. Parker: Do you really think O'Neil was murdered?

It is hard for me to answer that question.

Why is it hard?—Why ask me that question?

Why cannot you answer the question?—It is a hard one to answer.

Do you think O'Neil was murdered?—From all accounts he was.

You are not surprised to know that?—Certainly not.

When do you think he was murdered?—That is another question that is hard to answer.

When do you think he was murdered?—I could not answer that question.

Have you any idea?—I think it is supposed he was murdered on the night of the 4th.

About what time?—I cannot say.

Was it early or late in the evening?—I cannot answer that question; it is beyond me.

IMPORTANCE OF TIMES.

Why have you called all this evidence about a certain time?—I think that was quite natural and obvious.

When did you first think it obvious you should explain your movements on the Friday night?—When the detectives first questioned me.

On the Monday?—On the Friday, the 11th. I thought it was necessary then.

It did not occur to you at 6 o'clock?—No, certainly not.

You did not think it necessary to state where you had been?—No; it was not.

Accused stated he went to Melbourne about 12 months ago, and returned about September last, bringing with him two blue suits.

AUBURN'S EARNINGS.

Mr. Parker: Since you came back from Melbourne, how much money have you earned?

Accused: I think that is a personal question.

That's only one of many. Tell us approximately. For the three months prior to the first of April how much did you earn?—About £60.

How did you earn that?—At my father's hotel.

Employed there?—Yea.

In what capacity?—In the bar.

What were you getting?—About £4 or £5 a week; he allowed me that.

Were you always hard up or flush?—I was never hard up. I always got money when I wanted it.

Why didn't you pay Singe?—For the simple reason that he didn't want to be paid until the end of the month.

THE ARM INJURY.

You had an injury to your arm about three years ago. Was that injury ever attended to by a medical man?—No, it was not.

Have you at any time been attended to by a medical man?—No.

Since the inquest, how many medical men have seen it?—About four. Drs. Moss and Bentley, and two others.

Did any of the doctors suggest any treatment?—No.

Does the break of the wrist ever bleed?—No, never.

Never interfere with your work?—It is weakening to the muscles.

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Does it interfere with your work?—I can't crank up a car.

You have not sufficient strength to crank up a car?—Sometimes I have. I can do it with my left.

You can use a saw with someone else at the other end?—Sometimes.

Your arm is entirely useless at times?—Sometimes. I have cranked up my father's car.

How did you injure the hand?—I had it burnt by an exhaust pipe of a car.

Has it bled for two years?—No, but I was continually breaking it open.

Once a month?—It broke open two or three times a year.

Was there much blood from it?—Occasionally.

I suppose the injuries to your hand and arm would bleed most when you were working?—Yes.

Has your arm bled since the inquest?—No.

A FRIDAY NIGHT INCIDENT.

On the Friday night, what happened when you bumped someone near the Chinese gardens?—My arm burst open and started to bleed. I bumped into two gentlemen coming in the opposite direction.

Did you bump both?—I bumped my shoulder into one of them. It was pretty dark.

Are you sure it was not moonlight?—There might have been a moon obscured by the clouds.

Was it a cloudy night?—I cannot say. I presume one man bumped you?—Yes, one on the arm.

Did you fall over?—No. Did you curse him?—No. I said "I am sorry."

THE BEAUFORT-STREET SHOP.

Who keeps the shop in Beaufort-street you then went to?—I will give you the name when advised to do so by counsel.

What did you buy?—Two 3d pies and a bottle of drink.

Bottle of what?—A bottle of limejuice.

Where did you consume them?—While I was walking home, I ate the two pies.

Whereabouts?—I think one in Murray-street, near George-street.

And the other?—Near the subway.

Sitting on the overcoat?—No, before the overcoat.

When did you sit down and drink the lime and soda?—I did not sit down.

Where did you drink it?—I carried it home.

Where did you carry it?—On my arm. Right or left?—Under the left arm.

Was it wrapped up?—It was.

And did you have the overcoat on?—I cannot say.

Where did you carry that?—I carried it some distance.

Were you carrying it when you bumped the two men?—Yes.

Where?—Over the left shoulder.

And the bottle under your arm?—Yes.

And your hands in your pockets?—No.

Did you drop the bottle?—No.

Did it shift?—It nearly dropped.

What do you mean by it nearly dropped?

—It just about slipped out of my hands.

And from your arm?—Yes.

When you recovered yourself and apologised to the men, where was the bottle?

—In the same place.

ON THE HOME TRAM.

On the tram where did you carry the bottle?—In the same place.

Where was the overcoat?—I am not sure whether I had the overcoat on or not.

When you stepped on to the tram, where was the bottle?—Under my arm.

And the overcoat?—I cannot say where it was then.

You have no idea?—No, I have no idea whether I put the overcoat on or not.

When you get on to the tram do you not take hold of the rail?—Sometimes. I do not know whether I did this night. I often

jump on to the car without touching anything.

With a bottle under your arm?—I cannot say that.

You had the overcoat on, and the bottle under your arm, and you helped yourself up?—You can assume that.

I don't know that I am correct in assuming that?—Yes, as far as the other witnesses go. If the witnesses say I did so I am willing to believe them.

Do you remember the state your arm was in when you got into the tram?—It was pretty bad, and there was blood in the palm of my hand. There was a slight trickle.

Knowing your right arm was bad, and the left hand held the bottle, you don't know whether you used a hand to get on the car?—My memory is indifferent.

Did you keep the bottle under your arm all the way?—I cannot say.

Did you take the bottle home?—Yes.

Did you keep it under your arm when you got off the tram?—Possibly. I sometimes put it between the control box and the side of the tram.

FISH AND CHIPS.

You were in the habit of getting soft drinks from Golding's?—I went there sometimes. I have been going there for about nine months, but I don't always get cool drinks.

During March and April did you go to Golding's?—Yes, practically every night. For fish and chips mostly.

You say they kept a bottle of soft drink on the ice and gave it to you as soon as you came in?—That was done at the Newcastle-street shop.

You know that just outside Golding's shop is the junction for the trams?—I am not aware of that.

Was it not a practice of yours to go into Golding's, make the purchase, run out and catch the tram again?—It has often stopped on a Sunday night for me.

How often did you get a bottle of soft drink at Golding's during March and April?—It is very hard to say.

Was it often?—I cannot say.

Was it seldom?—It was between the two. (Laughter in Court.)

Between seldom and often?—Yes.

After you came back from Wagon on April 6, were you not in Golding's pretty well every night?—Pretty well, up to the time I was arrested.

What did you get?—Soft drinks then.

Do you remember Miss Golding saying that on April 4 she had only seen you once or twice before, and that you were known as the "Cool Drink Boy"?—Yes.

Does not that refresh your memory?—I told you I had got soft drinks there, but not often.

Sufficient to be known as the "Cool Drink Boy"?—I did not know I was there as often as that.

The Court adjourned until 10.30 a.m. Monday.

Despite the inordinate length of the trial public interest was undiminished this morning when the third week of the trial of George William Auburn was commenced.

The accused, described as a mechanical expert, 21 years of age, is charged with the wilful murder of John George O'Neil, a taxi motor driver, on April 4. The body of O'Neil was found floating in the Swan River near Crawley.

The prosecution is conducted by Mr. Hubert Parker, assisted by Mr. A. G. Haynes, and Auburn is defended by Mr. M. G. Lavan, with him Mr. J. F. Walsh.

AUBURN'S ARM.

The cross-examination of the accused was continued this morning.

Mr. Parker: You say your arm was examined by four doctors, that you knew the names of two, but did not know the names of the others? Were you introduced to them?—Their names were not mentioned. Mr. Lavan brought me in touch with them.

BLOODSTAINS.

Mr. Lavan: I mentioned, your Honor, that in the mass of evidence, I had to deal with I might overlook one or two matters. There are two points I should like to deal with, and upon them Mr. Parker can cross-examine.

His Honor: It would be convenient that you should ask the questions now.

Mr. Lavan (to witness): You had an interview with Mr. Blackmore. He says you told him that, when you saw the tracks, you saw blood on the foliage?—I did not tell him that.

You remember the hat you say you were wearing. According to the medical evidence there were blood stains upon it. Can you suggest how the blood came on to the hat?—I can only suggest that it got there when I was swinging my arm, that might have been bleeding at the time. The hat was often placed on a chair in my room, and the blood must have got upon it in that way.

Is that the only way you can account for the blood?—Yes, it is; through my arm bleeding.

AUBURN IN MELBOURNE.

Mr. Parker (to witness): How long have you had the hat?—I bought it in Melbourne when I was there last; either 10 or 14 months ago.

You say you returned from Melbourne about last September?—That is about 10 months ago.

You were only there about six weeks. It would be about twelve months ago that you bought it?—It could be.

Were you employed in Melbourne?—I was staying at my uncle's house in Kew, and was there on holidays.

THE BLOODSTAINED HAT.

Where did you put your hat when you got home?—I usually put it on the seat of the chair that held my clothes.

Did you keep it anywhere else?—Possibly I would put it somewhere else, but that was the usual place.

Where was it when it got the blood on it?—I cannot exactly say. I was in the room somewhere I should think. Sometimes it lay on its flat on the chair, and sometimes on its side. It depended on the way the hat landed on the chair.

Can you tell me any occasion when you were swinging your arm?—It was bleeding on one day two or three months before April 4.

Can you remember the date when you threw blood upon your hat when swinging your arm, and how you did it?—Witness here demonstrated how he had swung his arm.

Have you often done that?—Yes, but I cannot say how often; perhaps half a dozen times, but it may have been less or more.

Will you swear positively you have done it half a dozen times?—I cannot exactly swear to that.

Have you done it on any other occasion except in your room?—I have often carried

my hat in my hand when walking home after missing the last tram.

Have you ever splashed the blood on your hat except in your room?—Quite possibly on several occasions when my hat has been on the side of the car.

What car?—My father's car.

Anyone else's car?—I cannot remember.

Whereabouts on the side of the car?—On the driver's side.

Where would you be?—I would be by the side of the car.

You are definite that it was on the right hand footboard?—Yes.

What was it you were doing, when you had your hat there?—Doing repairs to the car.

What repairs?—It would be with the carburettor.

With your coat on?—No, my coat was not on. My sleeves were rolled right up beyond the wound.

How often have you been repairing the carburettor on the car?—Very often.

Anything else to your father's car?—Yes, I cleaned the cylinder heads on many occasions.

When you got the carburettor right, what did you do?—I washed my hands and put my clothes on.

Am I correct in saying that whenever you worked on the carburettor it would be just as you were going out?—No, certainly not.

BLOOD FROM THE ARM.

Did the blood run down very much on these occasions?—Yes.

Where was the trickle?—It usually—

But on these occasions when you washed your hands, put your coat on, and went out?—Usually down to the palm of my hand.

It is a simple question. I am referring to these occasions?—It is possible besides going into my palm it went on and around my wrist.

Do you mean you don't know?—I am not too sure.

If it did not trickle to the palm of your hand, where would it go?—It might have been running around my wrist when I lifted my hand.

Would you wait for the blood to run down before you swung your hand? I am speaking of the occasions when you swung your hands. Did you then put your coat on and go out?—On two or three occasions when I washed my hands and arms I did.

Did you bandage it?—Sometimes. About two occasions I think I did.

What with?—The usual bandage.

So there were two occasions at least when you have attended the carburettor and gone out immediately?—Yes.

Was there or was there not at those times much blood?—From the arm?

Where else could it be from?—From this hand (holding up his left arm).

We will come to that later. Take your right arm. Except from that wound, did you get blood anywhere else?—That is the only place.

On those two occasions, was there much blood?—It is hard for me to say. There was a fair amount.

When the blood ran down on those two occasions did it drip off?—Quite possibly.

I do not want that. We will get through much quicker if you say "Yes" or "No."

MR. LAVAN OBJECTS.

Mr. Lavan complained that Mr. Parker's statement was hardly fair.

His Honor saw nothing wrong with the cross-examination.

Mr. Parker repeated the question.

Witness: It is quite possible the blood came off.

And it did not congeal?—If it had run long enough, possibly.

On those two occasions did it congeal when it ran down?—No.

When it was running off your arm to the extent that it got on the machinery why didn't you mop it up?—I could not say, Mr. Parker.

We will get back to your room. Prior to

swinging your hand, did it run down and drop off?—Yes.

In your room, on those occasions when you swung your arm it it might have reached your hat, did it drop off your hand, wrist or fingers?—Yes.

And when it commenced to drip was it then you swung your hand?—Before and after.

Did you ever discover blood on any other garments after you had swung your arm in the bedroom?—I did not.

What was the last time when you were working on the carburettor, and you had to swing your hand?—About two or three months before April 4.

And in your room?—I could not exactly say. It might have been two or four months.

"I CALL HIM 'MAC.'"

Did you know M'Kenzie on that tram?—Yes.

You know him pretty well?—Yes. I usually call him "Mac."

And he calls you by your Christian name?—Yes.

Used he to chaff you about your hat?—Yes.

I suppose he would never see you stuck for a bob or two if you wanted it?—I never had occasion to ask him for money.

But if you were stuck, would you ask him?—I don't know. I can't say that.

How long does the tram stay at the Osborne Park terminus?—Sometimes about three-quarters of an hour, and sometimes a few minutes. It all depends on the traffic.

On the last trip home, M'Kenzie gets off at the Osborne Park terminus?—Yes.

"TWO OR THREE BOB."

Couldn't you have borrowed two or three bob off him until you got to the Osborne Park Hotel?—It is quite possible. He is a generous sort of person.

Can you understand him telling lies against you, or lies for you?—No. He has no occasion to do that.

Would you be surprised if he did it, and also swore those lies?—Yes.

I suppose you are aware that to commit perjury in a case like this means a very long sentence, possibly a life sentence?—Yes, I understand that.

THE FALL DOWN STAIRS.

Don't think for a moment I am suggesting that there has been perjury. M'Kenzie said you told him on that Friday night you had fallen down stairs and cut your arm?—I think M'Kenzie is mistaken. There was another occasion on which I told him something to that effect.

As a fact your arm was not injured by your falling downstairs?—Not on that night.

The original injury to your right arm was not caused through your falling down stairs?—No.

And you did not say to M'Kenzie that the arm had been injured on that night by your falling down stairs, and it was a very foolish and silly tale for M'Kenzie to make up?—No, I say Mr. M'Kenzie was mistaken. It was some other occasion.

"A GENERAL MISTAKE."

You think he is mixing up some other occasion?—Certainly. He has made a general mistake.

You frequently go home by the last Mt. Hawthorn to Osborne Park car?—Yes.

And frequently there are many of the same people on that car?—Yes, the usual crowd.

You know most of them?—Most of them by sight, and a few by name.

You knew M'Kenzie's shifts, and you knew that the first week in April he was on that night shift, and that he was on the last tram?—Yes.

FELT VERY FAINT.

What was wrong with you on that night that you had to ask M'Kenzie to see you up to the hotel?—I was feeling very faint. It was just about within two streets from the Osborne Park terminus that I got very

bad. I was standing on the front platform all the time.

What drinks had you had during that night from the time you left Moir's or the pictures?—I had not any drink at all.

Is that a guess, or is it correct?—It is quite correct.

When you felt faint, didn't you feel like a drink?—Yes, I did.

Why didn't you have it?—On the platform of the tram?

Yes?—The platform of the tram is not a conventional place to have a drink.

Is it conventional to eat two cold meat pies in Murray-street?—Yes. It is ridiculous to suggest I should have a drink on the platform of a tramcar.

More ridiculous than to eat cold meat pies in Murray-street on a hot summer's night?—I think that would be quite all right.

Was it the meat pies that made you feel faint?—I couldn't exactly say, but I should think the main cause would be my arm.

Had your arm ever made you feel faint on other occasions?—Yes, on very many occasions.

And was it then you used to swing it?—I usually swung it on account of the pain, and when it bled.

I'm speaking of when it used to make you feel faint?—It is quite possible I used to swing it then.

Just to get over that word "possible," are you aware that all things are possible?—Yes.

Did you swing the arm when you felt faint?—I cannot truthfully answer that.

Why not?—Because I am not too sure.

Can you tell me if you swung your arm on that night of April 4 when you got home?—I went straight to the bathroom and washed my arm, and I had a bottle of limejuice and soda, which is my usual habit.

Before or after you eat the fish?—I used to have it the same as a meal.

On the night of April 4 did you have your limejuice and soda before or after eating the fish?—I couldn't say.

A QUICK RECOVERY.

You recovered very rapidly from your fainting fit when you got in?—It was only a short thing.

How often have you got in the tram at the Leederville Hotel corner at night?—I think only twice during the last nine or 12 months at night.

What was the other occasion?—I cannot exactly remember.

Have you ever walked from the city to the Leederville Hotel corner at night to catch that tram except on this occasion?—I have often walked right out from the city to Osborne Park.

At night?—Yes.

What time?—About half-past 12; always after the last tram, when I had missed my tram.

You walked around via Marquis-street and the subway?—I always used to go under the subway.

Where did you start from in the city?—Round about the Town Hall.

THE WALK HOME.

Walking out from the city you always went via the subway?—Yes, from George-street.

Why was that?—It always seemed to most likely route for me to take.

Wouldn't you find it shorter the other way, over the William-street bridge?—That is a matter of opinion.

When you purchased these meat pies and the bottle of lime and soda at the Newcastle-street shop, when did you intend to consume them?—After I got home. That is my usual custom.

Never mind about your usual custom. Did you intend to do that on that night?—Yes.

Mr. Lavan, in opening the evidence, said that after the pictures you walked up to that shop, and that then you walked back, intending to catch the tram at Trouchet's corner, because the pictures would then be out. Is that so?—Yes. Generally a crowd meets the tram there.

When you did get back to Trouchet's

corner, were the pictures out or not?—It is hard to say. Some shows terminate later than others.

Did you notice any crowd about?—Yes, the usual crowd.

What do you call the usual crowd?—I should say the usual crowd, somewhere near or after 10 o'clock.

When you came out of the Newcastle-street shop, were the trams packed?—I don't think I noticed that.

The trams at that hour of night to Mt. Hawthorn run every six minutes?—I don't know. It may be so. I know there are a good few trams then.

What was your intention?—To catch a tram at Trouchet's corner and ensure getting a seat.

Were the trams crowded when you got there?—I do not know.

WHY WALK BACK?

Why did you walk back then?—On Saturday nights when the "trots" were on I usually walked to that corner to get a seat. You cannot get a seat otherwise. That is, after 11 o'clock.

What have the "trots" to do with it?—Quite a lot.

There are none on Friday night?—That is my reason for walking to Trouchet's corner.

You are so much a man of habit that you cannot get out of it, and that is why you walked back there on Friday night?—I did so to make sure of getting a seat. Common sense tells me that the trams are packed at that hour.

They must have been packed when they passed that corner?—Of course.

And yet you did not notice it?—No. I have seen them packed on other nights at about quarter-past 10.

You walked all that way with two unpleasant parcels?—I would not say they were unpleasant. The pies were in two bags, one inside the other, to prevent the grease coming through. I also had a bottle under my left arm.

You then decided to walk to the Leederville Hotel corner?—I found I had no money.

EATING THE PIES.

Where in Murray-street did you eat the pies?—I had one near Hoskins' Foundry, in the hollow, and the other in Marquis-street, near the subway. I was walking slowly all the time.

At what time did you catch the tram at the hotel corner?—I have no idea. I had no watch.

Was the Town Hall clock lighted?—Sometimes you cannot hear it chime.

You say you cannot see the Town Hall clock from the Leederville Hotel?—I do not think so.

Did you not take a grave risk in losing your last tram?—No. I judged by the time I got out of the pictures. I should have sufficient time to catch the car at quarter to 12, or the 12 o'clock car.

What time did you get out of the pictures?—I do not know. I did not look at the Town Hall clock.

TWENTY-THREE SHILLINGS THAT NIGHT.

What money had you when you left Osborne Park that night?—I thought I had 23s; one ten-shilling note and the rest in silver. The note I would have in my upper waistcoat pocket and the silver in the lower.

Where did you lose your money?—I did not lose it.

Have you often been to the Grand Pictures alone at night?—Yes.

When do they start?—I believe there is an interval at about 8 o'clock.

When do they finish?—It might be at five minutes past 10 or seven minutes past, or at 10.20. It is hard to be accurate.

Why do you suggest seven minutes past 10?—I cannot be accurate as to times.

What time did the evening session start on the night of April 4?—I do not know.

Why not?—I cannot give a reason.

There is a clock in the picture show?—

Yes, and it is quite easily seen.

You were alone, and had nothing to do?

—That is so.

Have you been to the pictures alone before?—Yes.

Often?—It is hard to know what you mean by often.

Is it like your previous answer—between "often and seldom"?—I do not mean that. I have been there on many occasions on my own.

THE GIRL AT THE PICTURES.

You are well known by the cashiers at the picture shows?—I know some of them.

Some at the Grand?—Yes.

You knew some on the night of April 4?

—By sight.

When you bought your ticket that night, did you know the girl who sold it?—Not on that occasion. The girl who was usually there had left. I am bound to look at the girl who gives me the ticket. (Laughter.)

Have you made any endeavor yourself to trace her?—No.

When you entered that night, how long was it before the picture then showing finished?—I think 10 or 15 minutes.

And you saw the pictures right through?

—Up to the time I came out. So that you would have left ten minutes before the pictures came out?—That is about it.

Where did you sit that night?—On the left hand side about three seats from the left aisle.

Upstairs or down?—Downstairs.

TRACING AUBURN'S MONEY.

What did you pay for your ticket?—Is 1d I think.

Have you no idea?—The usual price downstairs is 1s 1d, and dress circle 2s 2d.

Surely you remember whether you paid with one shilling and a copper, or whether you got change?—I don't remember.

Do you usually go downstairs?—When I am on my own.

Have you ever been alone downstairs and seen people about that you knew?—Many a time.

Did you get any sweets that night?—I don't usually get sweets.

Then your only purchases were the bottle of lime and soda and the two pies. What did you pay for the cool drink?—I am not sure, the total cost was 1s 1d.

It must have been 7d then, for your told us the pies cost 6d?—In some shops they charge you 8d.

What did they charge in this shop?—It was usually 7d.

Do you mean to say you don't know?—The usual amount for me was 1s 1d.

Do you mean to say that at this place, you visited so long and frequently, you do not know the price they charge for lime and soda?—The other occupants used to charge 8d.

I do not care about them. Do you mean to say you do not know what these people charge?—It must have been 7d.

By reasonable deduction?—There have been several people in that shop.

When did it change hands?—Two or three months before April 4.

About the same time you last stopped swinging your arm, Auburn?—Yes.

Can you tell me how much you paid in tram fares that night?—Yes, I think it was about 1s 2d.

How do you make up the amount?—The Osborne Park car coming in was 2d, Mt. Hawthorn 3d, Mt. Lawley 3d, return 3d, from Leederville Hotel 1d, and Mt. Hawthorn to Osborne Park 2d.

When did you discover you did not have the money you expected?—On the bridge.

How did you discover it?—By putting my hand in my waistcoat pocket which carries the silver.

You have shown us you had dipped your hands into your pocket eight times before that. How is it you didn't then discover it?—I had money in it, but I left the majority of it home.

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Auburn, the money you had was 3s 4d?—Quite possible. I had money when I left. The money I had at home amounted to 23s. I did not say I had it on my person.

HOLE IN HIS POCKET.

You told us what you thought you had in your waistcoat pocket, and it took eight dips before you found out?—My pocket had a hole in it.

Do you suggest that at one time you thought you had it?—It is a usual happening.

You must have discovered your shortage at the shop where you bought the soda and pies?—No, on the bridge.

But you only had 1s 4d, and you had to pay 1s 1d? It would not be difficult to know in those circumstances that you did not have ten shillings?—If you looked at the pocket I think you would be quite convinced.

How did you get the hole there?—Continual use. I always put my silver in there.

When did you discover the hole?—About four or five months before April 4.

And all that time you have been putting silver in it?—Yes.

You did your own mending, washing, and sewing on your own buttons?—Sometimes.

Why didn't you sew up your waistcoat pocket?—It is something I cannot explain.

MISS QUIGLEY MISTAKEN.

Were you present when Miss Quigley was invited on Wagin trip?—I was.

Do you suggest any reason why she should not tell the truth?—None at all.

She states that the murder was discussed in your presence. Can you suggest why she says that?—It is easy for her to be mistaken. She might have understood I heard of it, or that it was talked of in my presence.

How far away were you from the car at Quartermaine's?—I think I was on the verandah talking to some of the ladies.

What women folk were there apart from those in your party?—Miss and Mrs. Quartermaine.

Have you ever met those two ladies before?—I had met Miss Quartermaine previously.

Do you know where Quartermaine got the petrol?—I believe from a shed 20 or 30 yards away from the house.

Who put the petrol in the car?—Singe.

Who carried it from the shed to the car?—I cannot say. I was not there at the time.

QUARTERMAINE MISTAKEN.

Can you suggest any reason why Mr. Quartermaine should tell such untruths?—Certainly not. I say it may be a mistake.

Did you smoke there after lunch on the Sunday?—Yes. I think I did.

Can you remember Mrs. Quartermaine clearing you men out of the dining-room because your smoking was delaying the washing up?—Yes.

Will you swear that you never heard the murder discussed at all when you men were smoking?—I swear it.

What was the conversation about?—I don't know. I was interested in Miss Sadler while the others were conversing.

But Miss Sadler was out of the room?—Not then.

Cannot you tell me what the conversation was about?—I couldn't say. It might have been generally about the trip.

Did you as a fact drive past Quartermaine's and come back?—Yes.

So Quartermaine is correct there; and he is also correct as to your being short of petrol?—Yes.

NO MENTION OF THE MURDER.

But what is incorrect is that he was told a man had been murdered, hit on the head with a bottle, and that Singe said that there must be two or three in it, and that you said, "Yes, I think so"; Quartermaine is wrong in that?—Yes.

Was there at any time any mention of the "Sunday Times"?—Somebody said

they wished they had seen the "Sunday Times."

And why did they wish that?—I don't remember.

Was it not to see all about the murder?—It might have been, but I don't know.

I am speaking of what you heard. Might you have heard that?—I don't think I heard that.

You have told us that you have a bad memory. Will you swear you did not hear that?—I will.

Do you remember ever saying at any time that O'Neil was a decent sort of fellow?—No.

Have you ever at any time said that, or words to that effect?—I have never said anything concerning O'Neil. I might have said that I had heard he was a decent sort of fellow; that might be on the Sunday, when I was being questioned. It is quite probable.

Do you remember Singe saying that he did not think one man could have done it?—I do not.

Will you swear that Singe never said it in your presence?—I will swear I never heard it.

PAYMENT FOR SINGE.

When you engaged Singe, what was said as regards payment?—I said to him, "How about cash?" He said, "That is all right; the end of the month will do me."

Did he volunteer that about "the end of the month," or did you suggest it?—He volunteered it. There was some more conversation.

What was the rest of the conversation?—He said, "It's all right."

Without your asking for credit at all?—I told him I had no cash on me at the time.

Did you suggest when you should pay?—I asked him when he would like to be paid, and he said, "The end of the month will do me; I know your father."

Did you agree to that?—Yes.

It suited you?—Yes.

How did you expect to pay at the end of the month?—With money I would get from my father.

How much would you get from him?—About £2. I would get an advance from my father, perhaps a month's advance.

How long an advance?—I could get a month's advance or two months' advance.

What were you going to get?—The amount of the trip in advance.

And then go without anything for the rest of the time?—I would not have to go without anything.

Could you always get an advance of about £20 from your father?—Yes, with a sufficient reason.

For how many years past have you been able to get advances up to £20 from your father with sufficient reason?—For the last two or three years, or the last two years.

Those figures "Two or three" seem rather common with you. Was it two or three years, or two or three months?—Two or three years. Of course, it is very hard for me to tell.

Would "sufficient reason" to your father be the hiring of a motor car to go a joy ride to Wagin?—I would not call it a joy ride.

AUBURN'S CREDIT STOPPED.

Was not your credit stopped?—For close on two months it was, by my father, a little over six months ago.

What meant did your father take to stop your credit?—An advertisement in the "West Australian."

Do you suggest that all the way to Wagin and back, and during all the time at Wagin, you never heard of this murder?—I swear it.

You sat alongside Miss Sadler for ten hours going and for ten hours coming back, and it was never mentioned?—That is so.

And on the Tuesday following she was very frightened to go out in a motor be-

cause of the murder?—Not entirely because of that.

But she did mention it?—Yes, as one of the reasons.

But yet on the Wagin trip she never mentioned the murder to you at all?—No.

On your way back you drove past the Post Office corner and along Barrack and Beaufort streets?—Yes.

You passed numerous newspaper shops with posters outside, but you saw none dealing with the murder?—No.

TELEPHONING MISS SADLER.

How much did you pay to telephone Miss Sadler at Wooroloo?—I think Monson paid.

Have you refunded him the money?—I think not.

Where did you lunch on the Monday?—I think with Monson. We each paid for our own.

What was the cost of the trunk line call?—About 6d. I do not remember if Monson told me.

What was your intention when ringing Miss Sadler?—To see what was the matter with her. One reason was to ask why she had not written.

You paid at least 1s for that?—I have often paid more to communicate with her: as much as 6s.

Simply to tell her to do the obvious, and to tell the truth about what time you were at her place, and when you left?—There has been no occasion before for that. I thought the detectives might want to prove where I was that night.

She would know, and Mrs. Moir would know?—It was very nice to hear it from her.

She did not know it was you speaking?—The 'phone was very indistinct.

Will you swear to the words you used in the conversation?—I have already sworn to them.

Your memory is accurate in that respect?—Absolutely accurate.

You know her story differs from yours?—That is easily explained.

MISS SADLER MISTAKEN.

You say the 'phone was indistinct? She says she could hear you well at her end?—She is mistaken. We could not hear her at our end.

Was it at Monson's suggestion you rang her?—No.

WASHING CLOTHES.

Which waistcoat did you wash on Monday, April 7th?—The one that had been dyed, the black one. I cannot say as to the date. It may have been the one Miss Coombes saw.

How did you wash it?—I first cleaned it with a rag and petrol, and then washed it in soap and water.

Have you washed any other waistcoats?—No.

Why this one?—I always wore this one in the bar.

Has your arm ever bled in the bar?—On several occasions.

Has blood got on to the waistcoat?—Quite possibly, without my knowing it.

Have you worn it since?—I think so, when knocking about at home and when cleaning the car.

What trousers did you wear when you wore the waistcoat after the trip to Wagin?—I think the trousers of the grey suit.

The waistcoat was clean after you had washed it?—I would not call it spotless, but it was passably clean for wearing in the bar.

Where was it dyed?—Either at the Parisian or the Commercial, over 18 months ago.

Did not the dye come out on to the silk shirts you washed?—It came out in the washing, and the water discolored the shirts when they were rinsed. The shirts and the waistcoat were in the same water.

When did you wash the other suit?—In January or February of this year.

His Honor: Was that the first time it was washed?—Yes.

Mr. Parker: How did you wash it?—First with petrol, and then in soap and water, and I then rinsed it in cold water. It was hung on the line in the back yard to dry, and I pressed it two or three days after.

And it took two or three days in February this year for the suits to dry?—Yes.

And in the sun?—Not all the time.

Of course it would not be at night?—In the morning up to 1 p.m. it would be in the sun.

NEVER SAW O'NEIL.

Did you ever see O'Neil?—I have never seen him in my life.

That you know of?—I might have seen him without knowing him.

When you went with Miss Sadler in the evening where did you usually go?—It depended on the evenings. Sometimes on a cool evening for a walk, and sometimes to a show.

Where did you intend going on the night of April 4 when you asked her to come to town with you?—My intentions were to ask her to come to town while I arranged for a car.

Where did you intend to go?—To the St. George's Terrace rank.

How long would that take you?—A very few minutes.

After getting the car, what did you intend to do?—My intention was to go for a walk around town. It is quite possible we might have gone to a show.

CAN'T SAY, HOT OR COLD.

I presume it was a hot night?—It is not possible for me to speak of the weather at all, hot or cold.

You do remember you usually went for a walk on a hot night?—Yes, on cold nights too, sometimes.

Don't you remember whether it was very hot walking to the subway?—It might have been.

Aren't you clear?—I am not clear.

How long does it take the tram to go from the hotel to Goldings?—About five minutes; it depends on the number of stops.

How long to walk from the shop to the Mt. Hawthorn corner?—Usually five or seven minutes.

It would take that with a bottle of cool drink, a parcel and the overcoat. Feel the overcoat; it might refresh your memory?—It is decidedly heavy.

ANXIOUS FOR A WALK.

Were you anxious for a walk that night?—I was always so, more or less.

But were you that night?—Quite possibly I was.

Were you?—I suppose I was. Sometimes I was more anxious than others.

Then you did not walk because you only had 3d?—It was on account of that.

Not because you were anxious for a walk?—It might have been both.

Was it?—I say because of the 3d in the first place.

You could have taken the bottle back and got 7d?—That was possible.

And being a regular customer you could have borrowed 3d?—I could have.

So that when you walked down to Murray-street it was not to see anyone from whom you could borrow 3d?—It was.

Why didn't you borrow 3d at the shop?—It is not a very nice thing to do, especially after making a purchase.

And you a regular customer?—Even so.

BORROWING MONEY.

Why not chance borrowing something on the tram?—It would be taking a chance.

Why not M'Kenzie?—He doesn't like lending.

How do you know?—I have seen someone else ask him.

But he is a great friend of yours?—I have a large number of great friends from whom I might borrow money.

As a matter of fact you did find it easy to borrow money that night?—I did.

From whom?—Cecil White, at my request.

Don't you think that remarkable?—I have said he was a person I hardly knew, but he was a friend.

You were not backward to borrow 2s from a man you did not know much of in about half a minute?—I will admit it was quick work.

JOHNSTON'S MOTOR CYCLE.

The cycle you got from Johnston is of very old type?—Yes.

What would be wrong with that cycle?—In the first place the lubricating oil tap had been left turned on, and the engine had got plugged.

Did you rectify that?—I did.

Before you went out on the cycle?—Yes.

What else proved to be wrong?—The sparking plug was in very bad condition, too.

Fixing that up would be a matter of about five minutes?—It might take ten minutes.

Was there anything else wrong with the cycle at all, from the time you got it until it was returned?—There were a great number of things wrong with it.

When were they repaired?—I don't know that they are all repaired yet.

Was the cycle able to go when you last saw it?—Yes, about a hundred yards. That would be on the 16th.

What was wrong with it then?—The jet was blocked up in the carburettor.

That is not a very difficult proposition?—It was with this bike.

When did that part get chocked up?—It was continually happening.

Was that what was wrong with it on Westana-road?—No.

What was wrong with it on Westana-road?—There was not sufficient lubricating oil.

Was that all that was wrong with it then?—Yes, and the engine seized up.

AT WESTANA-ROAD.

Was it only the over-heating of the motor cycle engine that stopped it going along Westana-road?—Yes; it often happened.

Could you have coasted down the hill with the belt on?—The cycle would hardly have moved at all. It is a fixed-engine cycle.

Is it a good way of cooling the engine, to cut off the spark and let the engine run?—You cannot do that with a seized engine.

At the bottom of the hill all you did was to put the belt on again?—Yes; I laid the cycle on its side, there being no stand. The handle bars are very wide.

You laid it down on the edge of the main road?—Yes.

After a quarter of an hour or 20 minutes you rode home without any difficulty?—I had some difficulty to start with.

Where did you go on the Sunday, on the push bike?—Along the road to Johnson's house.

What was the road like?—Very bad.

Then you did not go for pleasure?—I went for exercise. It was all right for a push bike, because one could get off.

His Honor: Is it a timber road?—It is a wooden track about 18in. wide on each side.

Mr. Parker: It is splendid for cycling if you keep on the track?—Not at that particular part of the road.

Why did you not ride the motor cycle?—It was no pleasure to ride it. Something might have gone wrong.

You know it well?—Too well. (Laughter.) It was heavy to push.

And yet you took it all that way around Westana-road for a trial?—Yes.

THE CAR IN VINCENT-STREET.

You know the spot off Vincent-street where the motor car was found?—I have heard it described.

From the description you could find the spot opposite the Leederville Oval, near the school?—Yes.

How far is that from Oxford-street?—Between 20 and 30 yards.

How far is Vincent-street from the

Leederville tram route?—About 40 yards.

You got on the tram about 60 yards from where the motor car was abandoned?—About that.

Do the trams stop at Vincent-street?—Sometimes when going out.

You know Loftus-street?—Yes.

Going through the subway, up Loftus-street, where it joins Vincent-street, there is a steep pinch, which necessitates a changing of gear on a motor car?—With some cars.

Where was the light under which you say you examined the overcoat?—Under the subway.

Whereabouts?—I could not exactly say, under the bridge.

Have you no idea where?—I think in the middle.

BORROWING A CAR.

The trip to Wagin was arranged three weeks before April 4, and you told the people you would borrow the car from Ford? Why?—I did not want them to know I was going to hire the car, for they would not have gone.

Who did you mean by they?—Miss Sadler and Mr. and Mrs. Moir.

And you made no arrangements at all?—No, it was a complete fabrication.

When did you first tell them you were going to hire a car?—On the Saturday morning.

Why were you going to take Miss Sadler into town on Friday night, to hire a car on St. George's-terrace rank? That would have been the first she knew of it?—Yes.

From whom were you going to hire the car?—I was going to Singe first.

Why did you not?—For the simple reason I thought I could wait until the Saturday morning.

When did you decide that?—When Miss Sadler would not come to town.

Why didn't you hire the car that night?—I was annoyed at Miss Sadler not coming into town, and I decided to wait until the morning.

AN ACT OF PETTY SPITE.

And so annoy Mr. and Mrs. Moir and the two Quiglers?—Yes, it was an act of petty spite.

Why didn't you get it on Saturday morning?—I was detained at home for a time in the bar.

When did you know you would be in the bar?—All along. It was my usual duty.

When did you arrange with your father to have the morning off?—I do not think I arranged it until Saturday.

Why didn't you have the morning off, then?—I thought I might just as well stop there.

Why?—For no particular reason. The weather was very threatening, and I thought I had better wait until the rain cleared up a bit.

Would a threatening morning stop you going a motor car trip?—No.

And although it was so threatening you did not have an overcoat or umbrella when you came to town?—I went in a car.

THE WAGIN TRIP.

What made you alter your mind and decide to go to Wagin after all on the Saturday?—I had intended to go all along.

At what time had you intended to go?—About 9 o'clock, or in the early morning. In the first place I decided to go about 9.

When did you decide that you would work in the bar instead of doing that?—I decided to work on till I had finished in the bar, about half-past 10, getting on till 11.

You were only working in the bar for an hour and a half?—Yes. That was all I intended to work in the bar.

Had you up to that time given up all idea of a trip to Wagin?—No.

Say, at half-past 9, what were your intentions?—To go to Wagin after I came out of the bar.

What arrangements were you going to

make after you came out of the bar—I intended to go to town, get a motor, and go to Moir's.

And be at Moir's about what time?—About half-past 11.

With the car?—Yes.

What car did you intend to get then?—Singe's car.

Had you any other car in view at any time?—No, not at any time.

Did you then know the make of Singe's car?—Yes, a Cadillac.

You went down in that car?—Yes.

What was the make of the car you went down with?—Cadillac.

Are you sure it was not a Nash?—I was not.

You had had that car in view all the time from about the 14th of March?—Yes.

WHY THE BUICK?

Then why did you tell Miss Sadler and the Moirs that you were getting a Buick Six?—I told them that because—

Although you knew it was a Cadillac, you said it was a Buick Six?—That is quite right, but you must understand that Miss Sadler did not know at that time that I was going to hire a car.

As a fact, O'Neil's car is a Buick Six?—Quite correct.

Why didn't you come on the Saturday morning at half-past 11 and get the car?—For the simple reason that Miss Sadler rang me up about half-past 10 and asked me to come straight up.

And you didn't do so?—I did do so.

You came into town in your father's car to the A.M.P. corner of St. George's Terrace, or about opposite Foy and Gibson's premises in the Terrace?—Yes.

You could then quite easily have gone along and seen Singe, but you didn't do so?—I went straight out to Moir's. I caught the tram at the Hay and Barrack street corner.

From where you were it would have been shorter to catch the tram in the Terrace at the Barrack-street corner?—Yes.

And that corner is a few yards off from where Singe's stand is?—Quite correct.

Presumably Singe's motor car would get you out to Moir's place quicker than the tram?—Yes.

CANNOT ACCOUNT FOR IT.

Can you explain, then, why, if you wanted to rush straight out to see Miss Sadler, you did not go there the quickest way?—I cannot account for it at all.

Did your father know that you were going to see Miss Sadler?—I'm not sure.

Did he know you were going to Wagin?—I explained the idea to him.

Did you tell him you were going to hire a car?—Yes.

Did you tell him who the party were?—Yes.

And didn't you tell him on your way into town that you were going to get the car?—No. He understood that.

Didn't you tell him that Miss Sadler rang you up and that you were going there direct? It would not have been very much out of your father's way to run you out to Miss Sadler's?—That is rather a personal matter.

Too personal to ask your father?—No, not too personal for that; but my father had business in town.

How long would it have taken him to go that way?—Perhaps ten minutes.

Or perhaps only five?—Yes.

WHAT EXCUSE?

You went to Miss Sadler's?—Yes.

What excuse did you give for hiring a car instead of getting a loan of one?—I said I had some difficulty in arranging for one.

Were you asked why you were late?—At first, and I told Miss Sadler about the difficulty, and that I had stopped to help in the bar.

She was not asked anything about that in this Court?—That is so.

Is this the first time you have told anyone you stayed to help in the bar?—Yes.

Do you remember telling Miss Sadler that you tore your coat when attending to the car in which you intended taking her to Wagin?—I did not say that.

Will you deny saying anything about tearing your blue suit?—I do deny it.

Did you tell her that the car had broken down?—No.

MISS SADLER MISTAKEN.

Miss Sadler says you named the part that had broken?—She is probably mistaken as to the occasion. It was about a month before in connection with my father's car.

Was Miss Sadler's evidence in the Coroner's Court truthful?—I would not say it was not truthful, but it was inaccurate.

In what respect?—She said something about my talking of the car on Saturday morning.

Mr. Parker: She said "He stated his dark suit got torn attending to the car."

Mr. Lavan: See what she said in cross-examination.

MISS SADLER AT THE GAOL.

Mr. Parker: Since the request you saw Miss Sadler at the gaol?—Yes.

That was at your request?—Yes.

Did you kiss her when she arrived?—Yes.

Did you tell her she told lies about you in the Coroner's Court?—No.

Why did you not tell her so, if she did?—It had nothing to do with me.

Nothing to do with you, that this girl should tell lies about you?—I did not say anything about her having told lies about me.

And yet you say it had nothing to do with you?—I admit it had something to do with me.

Why did you not tell her she was incorrect?—I was told not to talk about the case.

By whom?—By Mr. Lavan, and I have not done so. It was purely a formal visit.

"THE LAST TO DO SO."

She would not have any object in making up this story against you?—She would be the last to do so.

Was the Principal Warder present when you spoke to her?—Mr. Hamilton was there.

Will you deny that you referred to the case in his presence?—I said something about it, but I could not say what it was.

Will you contradict what the chief warder said?—I do not think so.

It was something to the effect that she had told lies about you in the Coroner's Court?—I did not mention that; that I swear to, and deny against Mr. Hamilton.

TO SEE "M"

There was a good deal of conversation with her in which you mentioned the initial "M"?—Yes, that referred to Mand Moir.

You did not want the principal warder to know what you were talking about?—I did not want to make it too public.

You wanted Miss Sadler to see "M"?—I do not remember that.

And you kissed her when she left?—Yes.

You have applied to see her since she gave evidence here?—Yes.

There is no reason why she should fabricate a story about you?—She would not do that.

So that her story is correct?—I did not say that.

Mr. Lavan: I object.

His Honor: Mr. Parker is not making that statement; that is only a question.

Mr. Parker: So that what she said is correct?—No.

Are you prepared to deny it?—Yes.

You say you have an indifferent memory?—I can remember this.

Mr. Parker: Miss Sadler said she remembered emphatically and would swear to certain things.

Mr. Lavan: When I put certain things to Miss Sadler about the tearing of the

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coat she said she could not swear to if having happened at that time.

His Honor: Mr. Lavan's interruption is not justified. You, Mr. Lavan, interjected when Mr. Parker was putting questions, and in effect told the witness the answer.

Mr. Lavan: I think your Honor will admit that since 10.30 this morning I have not interrupted but once.

His Honor: I agree with you.

Mr. Lavan: I do not like the suggestion that I interrupted for any purpose. I resent any such suggestion. I have been very fair.

His Honor: Will you proceed with your questions, Mr. Parker?

Mr. Parker: Miss Sadler swore emphatically to certain things in the Court?—Yes.

His Honor said to her: "Did you or did you not say he stated his coat was torn in attending to the car?"—I deny that statement.

I do not mean deny that the coat was torn, but will you deny you did not say it?—I do.

She says that was your explanation for being late?—She is mistaken.

MISS SADLER AGAIN MISTAKEN.

But she swore it?—I am sorry she did so, because she is mistaken.

Has your memory improved?—I do not say that.

THE "IRON BAR."

And she fabricates the story of the iron bar?—I do not say so.

What, then, do you say?—She makes a mistake.

What mistake?—She could easily make a mistake.

Have you ever taken a bar there and said "To hit you over the head with?"

—I have never said that with an iron bar. With anything?—Yes.

With what?—A piece of paper or something to that effect.

When and where?—I cannot say very well: it was on two or three occasions.

How long ago?—It is hard for me to say. I cannot fix date and time.

Can you fix the year?—Yes, this year.

That is, within six months?—Yes.

And you cannot remember any one of those incidents, and yet you are prepared to swear positively that you did not say what Miss Sadler swears you did?—Yes.

Do you remember her saying she picked it up and that it was heavy?—Yes.

How could that be, with a paper rolled up?—I did not say it was a paper rolled up.

Did she swear that here? Did she swear it was mine?

His Honor referred to the depositions, and Mr. Parker proceeded.

Did you ever take any newspapers rolled up and tied in three places?—Rolled, but not tied.

Have you ever taken them apparently the weight of a bar of iron and as thick as a ruler?—No.

There cannot be much mistake about that?—Miss Sadler could easily have been mistaken.

Although the promise to take these people away was made on March 14 you did not attempt to get a car until the Saturday midday?—Quite correct.

Although you discussed it frequently, and the Quigleys had breakfast at 6.15 a.m. to be ready for you?—Quite correct.

Have you ever apologised?—Yes.

To whom?—Miss Sadler and the Moirs.

I said I was sorry for not turning up early in the morning.

Why?—I told you before I had some difficulty in arranging the car.

But you did not attempt to arrange for a car?—I told you before it was a fabrication.

That fabrication seems to have come quite easily. Did you have any more about the car?—No.

What was your intention in refraining from telling the truth?—I knew that if I told them I was hiring a car there would be an objection.

Your intention was to go and get Singe's

car? Miss Sadler would know when you drove up?—I would have convinced her then.

But on the Friday night, if you had gone out, they would know when you turned up it was a hired car?—If Miss Sadler had come into town I would have explained to her.

You have taught driving to beginners?—Yes.

And some of the pupils I suppose get you in difficult positions where you have to act suddenly?—Yes.

Any trouble in getting out of them?—You mean avoiding accidents. No.

CONTROLLING CAR IN EMERGENCY.

You could easily take control of a car in an emergency?—Yes.

So that you might possibly tell us this. Suppose there was a person in front and the driver was stunned, there would be no difficulty in getting control of the car?—I don't think there would be much.

And by turning off the switch the car would stop quickly?—Yes.

"MY FABRICATION."

Do you remember on the 3rd you went to the theatre with Miss Sadler, and I think before you left you told her you would be up the following night with the car and stay the night?—Quite correct.

Was it your intention or a fabrication?—My fabrication.

More of them?—No, the same one.

What was your idea in lying to Miss Sadler?—If they had known I was hiring a car they would not have come.

You could simply say you would be up there on the Friday night. How would they know then?—They would soon find out because of the driver.

Then at that time you had every intention of not going there with a car?—My intention was to go up there and get Miss Sadler to come to town.

"NOT TOO PLEASANT."

Did you have any intention at any time of staying the Friday at Moirs?—No. I have frequently been asked, but have not done so.

Why didn't you go back when you were expected to?—I could not explain that, but things were not too pleasant.

Let us have the explanation?—I told you I could not explain it.

You don't know what the row was over?—Yes, I do.

You said you would see her later?—Yes.

You gave her to understand you would be back?—Yes.

So you were lying again, you had no such intentions?—No.

It would have been very much easier to come in from Moirs on the Saturday instead of coming right in from Osborne Park?—Much easier.

Furthermore it would have avoided a long walk if you had taken the 3d tram to Moir's instead of the long tramp home?—Yes.

And you did not do it; have you any reason?—No.

THE NUMBER PLATES.

On Thursday night you asked Miss Sadler to get you some number plates?—Yes.

I understand you promised them to your father?—I told him several times.

How long before the 4th?—About a week before was the last time.

What was the first?—Two or three weeks before.

Why were you getting them?—The plates that were there were getting dull.

Where are they now?—Still on the car.

What is wrong with them?—They are dull.

And they have remained dull from April 4 to the present. What became of the number plates Miss Sadler gave you?—I am not sure.

What do you mean?—They might be at Moir's.

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What happened to them?—I said they are still at Moir's.

Since April 5 have you made any inquiries about these plates?—No.

You have never worried about them?—No.

Why did you tell Miss Sadler to come into town especially to get them on Friday, because you could not get in?—I did not tell her to come in specially.

As a fact you were in at 3 o'clock?—Yes.

Why did you come in?—I came in with my father.

You did not worry to see if you could save her the trouble?—She may have come in especially.

You could have given them to your father?—Yes.

Did you ever ask Miss Sadler about the plates?—No.

The Moirs?—No.

Have you ever paid for them?—No.

I suppose Singe also fabricates when he says that you ordered the car because it was urgent and wanted to go to Wagin to see somebody sick?—No, that is right.

It was urgent?—I said it was.

You went to the detectives voluntarily on the 7th?—I did.

And I suppose you have no complaint of what was said or done on the 7th?—No.

THE MISSING COAT.

You went after you had seen "The Daily News" about the coat missing?—Yes.

And I think you said "I believe you are looking for a coat," and Purdue said "Yes"?—Yes.

And you said "I think I have the one you are looking for"?—I said that later.

Not that night?—Yes, that night, but later on.

What do you mean by "at a later period"?—I asked for a description.

Is your memory improving on that conversation?—It is perfect on that point.

Tell me the whole of the conversation with your perfect memory?—I said you are looking for a coat in this Crawley affair. Purdue said "Yes," and I asked for a description. He gave it to me, and I said "That is like it," and he asked where the coat was. I said "At Wagin." He asked when it could be got up, and I said I thought it would be coming within three days.

You said, "I think the one I have is the one you are looking for"?—No, I did not say that. I said it seemed somewhat like it from the description.

They were satisfied then that that was it?—No.

But you were?—No.

Then why did you go in on the Tuesday?—I went in on the Wednesday.

Why?—To give them Allport's address.

Why?—So that the coat could come down quicker.

But you did not think it was the coat?—It was not my property.

Why didn't you hand it over to the police on the night you found it?—I didn't think of it.

Don't you pass the police station?—Possibly I do.

Why didn't you hand the coat in to the police at Wagin?—I could have easily done that.

Why didn't you?—You went into the detective office for the sole purpose of handing in a coat that you did not think belonged to O'Neil. Were you or were you not satisfied in your own mind that it was O'Neil's coat?—No, I was not.

Have you ever before brought lost property along to the detective office or the police station?—No.

You went along to the detective office because of what you had seen in "The Daily News"?—Yes.

There is no description in "The Daily News" paragraph of the overcoat?—

His Honor: Please let the witness see that newspaper.

Mr. Parker: Do you remember what portion of the paper it was in?—I think it was in the "Stop Press." (The issue

of "The Daily News" was handed to the witness, who perused the paragraph.)

Was there any description of the coat?—I could not say.

You thought, when you went in, that there was a likelihood of that coat being the one?—Yes, from the description.

When you went into the detective office you didn't know the description?—No, but I was told the description.

By whom?—By Purdue.

When you went into the detective office, the only reason you had for going there was that you thought this was O'Neil's coat because a coat was missing?—Yes.

So, when you went in, you thought there was a possibility of the coat being O'Neil's?—There was a possibility.

And when the detectives told you that that was O'Neil's coat, or gave you a description of O'Neil's coat, you were less satisfied?—I said it was somewhat like it.

Were you less satisfied or more satisfied?—I will not express an opinion on that.

You mean you don't want to?—I mean I don't know what it is.

Didn't you think the detectives were extraordinarily casual in not wanting to get the coat at once?—Oh, no.

NO "THIRD DEGREE" THAT TIME.

There was no third degree or anything of that sort?—Not on that occasion.

On the night of Wednesday, was there any third degree?—No.

On Thursday, 10th, at 8 p.m., when you went in, why did you go in?—Because I had seen Purdue in the afternoon, and he beckoned me up to the police station.

Tell us the signal he gave you as he passed you in a motor car?—He pointed with his hand in the direction of the detective office.

And you immediately took the bait and went to the detective office?—I don't know about "taking the bait."

That is my way of putting it?—I went up in the afternoon, and again in the evening. I think I went up first about half-past 2 or 3, and I was then told Purdue would not be back for some time. I went in again at 8 o'clock. Purdue was out at 8 o'clock, but I met him by chance in Barrack-street. I was then walking down the street with York.

York denies that?—He does not deny it. He says he does not remember it.

Your memory is really not so bad; it seems to be better than mine?—

Mr. Lavan: He is sitting there listening to the evidence.

Mr. Parker: And I am sitting here listening. (To the accused): You went along at 2 o'clock quite voluntarily?—Yes.

NO MENTION OF WESTANA-ROAD

Up to that time you had never mentioned one thing about Westana-road?—No.

Not to anyone at all?—No.

Had it up till that time impressed you in any way?—It had not.

Why?—There was nothing there to impress me very much.

Nothing where?—Having seen the spot.

What do you mean by "nothing to impress you"?—Not connecting the two things.

What two things?—The tracks and O'Neil.

But why not?—I couldn't say that.

Why did it suddenly impress you that that overcoat was O'Neil's?—It did not impress me.

Not although you went to the detective office immediately you came back from Wagin?—I said there was a likelihood.

On the Friday you went along at 2 o'clock, and showed the spot in the subway?—Yes.

You examined that coat when you got it originally?—When I first picked it up.

Did you see the handkerchief in it?—I did not see the handkerchief until it was produced in Court.

TRYING ON O'NEIL'S COAT.

Have you ever picked up a garment before of any sort?—No.

Does it not strike you as rather extra-

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ordinary that a person who dresses as you dress should put that coat on as soon as he has picked it up in a dirty, dusty street?—Oh, I don't know.

Have a look at the coat?—I have seen it.

Put it on and let us see how it fits you.—(The witness appeared to make some demur.)

Mr. Parker: If you have no objection, I would like to see the coat on you. If you have any objection, don't put it on.

Mr. Lavan: It seems a horrible thing to ask him. (The accused put on the coat, with some assistance from the Court usher.)

Mr. Parker (to witness): Would you mind putting your hands in the pockets?—(The witness did as desired.) It is a double-breasted coat, and fits rather tight.

UNSUITABLE FOR A HOT NIGHT.

You must be a bigger man than he to whom the coat belonged?—Quite likely.

It is a heavy coat, and unsuitable for a hot night?—I should say so.

Did you wear it that night?—I am willing to believe witnesses who say I did so.

On the Friday afternoon, on the way to the subway with the detectives, you mentioned the Westana-road spot?—Yes.

And on the way back you asked if they were not going to look at it?—Yes, while we were in the car.

Why the sudden anxiety to go there?—There was none. I was with the detectives, and we were talking about the murder.

What made you remember the spot?—Nothing special.

When did you first decide to tell them?—It came to my mind on the Friday when I was with them.

What made you do so?—I am not accountable for my memory at all times. I suppose it was because of the detectives.

MORE AT EASE WITH PURDUE.

You showed them the spot. Did you not say to the chauffeur, "Robinson, you can talk to Purdue, and not to Doyle"?—I will not deny it.

You felt more at ease talking with Purdue?—He is more sociable than Doyle.

While Purdue was away you said something to Doyle, but he would not talk?—He ignored me.

There was no third degree in that?—I did not go through the third degree then.

THE WESTANA TRACKS.

Now for the tracks off the road. Apparently the car pulled into the bush facing Claremont on the right hand side of the road?—I do not remember.

What did you think?—I did not think anything. I saw the tracks.

Did you show the way the car went in?—No.

It must have come out backwards?—Apparently.

Do you remember telling the detectives that?—Yes, after they expressed the opinion themselves.

And Purdue said "We will see whether the car turned round"?—He said something like that.

Do you remember saying "It did not turn round; it went on"?—I do not remember that.

What did they say about turning round?—They suggested something about that. I do not think I said anything.

Did you offer an opinion?—I may have offered many.

For five hours George William Auburn has been under a searching cross-examination by Mr. Hubert Parker, the Crown Prosecutor, and this morning Auburn again entered the witness stand, when the cross-examination was continued.

He stands charged with the wilful murder of John George O'Neil, a taxi motor driver, whose body was found floating in the Swan River near Crawley on the morning of April 5.

Mr. Parker is assisted by Mr. A. G. Haynes, in conducting the prosecution, while Mr. M. G. Lavan, with Mr. J. F. Walsh, is defending Auburn, who is described as a mechanical expert, 21 years of age.

Mr. Parker: Purdue has not attempted to quote all the incidents that took place?—I wish he would. It would be hard to give the lot.

TELLING THE TRUTH.

Give us as much as you can?—I will do my best. Purdue did not say much of importance. He asked me if I was telling the truth about everything I knew. I replied "Yes." Doyle asked me the same thing, and I made him the same answer. I do not think I remember any more of the conversation.

How long did it last?—We were there from 2 until about 6.

And that is all you remember of it?—Yes.

Is there anything Purdue has not said that you complain of his not saying?—No.

Is there anything he has said about the Westana-road that you complain about?—There was one thing, but I have forgotten it. It was about the mirror. He said I made the statement first. That is not so. I am not sure whether it was Kennedy or Doyle, but one of them said something looked like a piece of spotlight mirror and I repeated the words.

Why should you say it was that?—It was quite apparent.

The piece of glass might have come from a lady's handbag?—Yes.

But you thought it was a bit of a spotlight?—I agreed with them.

You could not find the balance of the glass?—I did not try. I helped the detectives to lift some of the bushes, but did not know what they were looking for.

"A SUSPICIOUS SPOT."

Did you tell them this was the spot?—I said I thought there was a suspicious looking spot at Westana-road, because of the broken down trees and bushes, and the oil on the bushes, and the wheel marks alongside.

You have been along there frequently, and seen tracks leading off the road?—Yes.

Have you been there at night?—I do not think so.

You have been along suburban roads at night, I suppose, and have noticed cars pulled off the roads on such occasions?—Yes.

This is not at all uncommon along these bush tracks?—No.

And if a car pulled up at night, is it not what you would expect to find, broken down bushes, grease and tracks?—No; it was the position of the tracks.

Nothing extraordinary to find bushes broken down and oil lying there?—I don't suppose it was.

As a matter of fact, is it not common for motor cars to pull off along these suburban roads?—Yes, but they do not often bump into trees.

You think that indicates a murder has been perpetrated?—I do not think so.

Is it not likely that a man who murders another would do it just off the road, and pull in there?—No.

It was very suspicious, after all?—No.

NOT FLABBERGASTED.

When you got back to the C.I.D. at 6 p.m. you gave a long statement?—A statement was taken from me.

And were you flabbergasted in that statement?—I cannot say I was.

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Were you perturbed in any way?—No; I had no reason to be.

And your memory was quite clear?—Yes.

And you had no reason to fabricate on that occasion?—None at all.

NO "THIRD DEGREE."

Well, did you fabricate?—Not intentionally.

Was there any third degree on that occasion?—Well, I don't think so.

Try and refresh your memory. What I mean is, was pressure brought to bear?—Very little.

Was there any?—A little.

What was it?—They kept on asking questions, and revised every answer I gave.

But there was nothing to complain about in the statement?—I have no complaint.

Your learned counsel has. Is there any complaint at all up to the time you went to the hotel?—No.

Was any request refused?—I made no request.

They were quite decent to you?—It is very hard for me. If I want to be fair to the detectives, I suppose they were.

Did you say to Purdue, "You have been fair to me and I will be fair to you?"—I might have said it on one occasion.

That was on April 13, when the last statement was taken?—I am not sure whether I said it.

You did say it on one occasion?—I won't deny it.

You told Purdue that it would break your mother's heart or something to that effect?—I said so. They are the exact words.

Why did you say that?—I did not want her to worry about it.

Why?—The detectives going out to a boy's home and searching his room. It is quite obvious.

"PUT ME IN" DENIED

Was it not then that you said if they "put you in" you would admit everything?—I never said that.

You never said it?—I swear it again. It is a fabrication of the detectives?—I will not say anything about the detectives. I will deny it. I will make no insinuation against the detectives.

After they found the suit and you came back, you made another statement?—Yes.

AUBURN'S COMPLAINTS.

Up to the time you left for Dr. Barker, had you any complaint against the detectives?—Yes, a lot.

What is the first complaint?—The first was I asked them to keep my mother out of the way when we went to the hotel.

And the next?—They did not comply with that, and I asked for something to eat on that occasion, I think, and I was refused. (To his Honor): We were coming back to the police station when I made the request.

What did you ask for?—Something to eat. And they said there was plenty of time for that.

Could you not quite easily have got something at the hotel?—I was not allowed out of the detectives' hands.

Could you not in their presence have done so?—Yes.

Could you not have asked your father or mother?—They were not in a condition to be asked.

Did you not suggest you might get them all a feed; they hadn't had any, you know?—I do not see why I should supply them with a feed.

You had supper immediately afterwards?—No, I asked them when I was going to get something to eat.

Did you ever repeat your application?—I think I said it at Westana-road.

That is before?—I do not remember if I repeated it afterwards.

What is the next complaint?—I asked them the position, but they would not tell me anything.

What did you ask them?—I wanted to know what they were doing.

Well, what did you want? Did you want

them to lock you up?—They wanted another statement.

You gave it voluntarily?—It was taken from me and twisted.

Tell us where it was twisted?—It was not taken down in my words.

Mr. Parker read out the statement and asked Auburn to point out its inaccuracies.

Auburn first pointed out that he was not cautioned, but told Mr. Parker there was no inducement offered him, and he was not threatened. Referring to the washing of the suit, Auburn said he told the detectives it was washed three or four weeks before—not two weeks, as stated. When dealing with the boarding of the tram by Auburn, 11.45 was mentioned; this Auburn said was suggested by the detectives. He did not know the time, and he calculated it. In the statement Auburn was credited with having said that he could not remember if anybody saw him on that night. He said that he was asked if anybody saw him on the tram. A section from the statement was "There were no bloodstains on my clothes before I washed them that I know of." That was incorrect, Auburn said.

Mr. Parker: When they were taking down your statement, did you tell them?

Auburn: I was not in a condition: I was worried over my mother's collapse.

Continuing with his quotation of extracts from the statement, Mr. Parker was informed by the witness that there was an omission in the reference to the overcoat. It should have read, "I do not remember trying on the overcoat." That, said the witness, was the position now. He could not remember.

Mr. Parker: Did you read it over?

"IN A FASHION."

Auburn: I read it over in a fashion. Do you still have a complaint about that statement being a misrepresentation?—I did not say that.

Mr. Parker: Where did they twist it?—The only alteration is that "they were washed by me about two weeks previously," and that it should have been "three or four weeks ago"?—Yes, but that point might have been of great importance.

Is there anything of importance in that statement that they "twisted"?—No.

AN INSINUATION.

Have you any other complaints against the detectives?—The insinuations at Dr. Barker's.

Up to the present that is the lot?—Yes. There is no "third degree" up to the present?—I would not describe it as third degree.

What do you mean by "third degree"?—I don't know exactly; knocking a person about.

Did you ever suggest to your counsel that the detectives ever knocked you about at all?—No.

Did the detectives ever at any time in any way knock you about?—No.

BULLYING BY LOOKS.

Did they ever bully you in any way?—Well, that is very hard to describe. Some people can bully by looks.

Did they bully you by looks?—I think they did.

Very little, I suppose?—I don't know. I'm very easily impressed.

Is your general manner within the last couple of days here the same as usual, or is it abnormal in these times?—I think it is about the same as usual.

Then the jury can understand how easily you are impressed?—Visibly, Mr. Parker.

You have been just as visibly overcome during the last couple of days as you were at the detective office?—I mean that I may be impressed, while it may not be visible.

What other complaints have you against the detectives up to the time you left for Dr. Barker's?—I don't think anything.

Now, when you left for Dr. Barker's?—There were too many detectives to do anything.

I ask have you any complaint against

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them?—No. There were five or six detectives in the car.

They took you in to Dr. Barker's?—I was taken in by Purdue.

Have you any complaint against Dr. Barker?—No; he was all right.

Have you any complaint against the detectives while Dr. Barker was present?—None at all.

"DON'T BE A FOOL."

What is your next complaint against the detectives?—When Purdue took me away to the back of the car and told me not to be a fool.

Have you any complaint about that?—Yes. It was an insinuation.

Tell us all the conversation?—He told me to "get it off my chest quick," and he said if I had any friends or pals they would drop me very quick.

And therefore you should get in first?—Yes; and he said everything would be all right.

Was not that friendly advice?—I did not consider it so.

Why not?—I had told the detectives everything I knew.

Purdue advised you that, in his opinion, you were in it and someone else too. That is what he gave you to understand?—Yes.

THE REWARD PROCLAMATION.

He insinuated that to you, and he advised you to come and report. There was a proclamation out offering a reward and a free pardon to an accomplice and you knew of that?—Yes. I knew all about it on the Saturday. I heard a lot more about it that night at Dr. Barker's.

You knew that there was a reward of £500 and a free pardon for an accomplice so long as he was not the actual culprit?—Yes.

So your complaint about Detective-Sergeant Purdue was that he did not believe you?—One could not exactly call that a complaint.

But, he thinking that you were an accomplice, it was rather friendly advice?—I would not call it friendly advice.

Are those practically the words he used?—Practically.

In what way was this done that you complain of it?—It was not done in a very friendly way, but really in a threatening way.

Describe it to us in some way?—I cannot describe it.

Well, what did Purdue do?—He just told me I was to get it off my chest quick, and the reason why they were not putting me in that night was that they were giving me a chance.

Have you any complaint on the score that they did not put you straight in on the Friday night?—No; but I was explaining all the time that I could not give them any more information.

I think they said they would take you home and you said you didn't want to go home?—I said I didn't want to go home and explain my position to my mother and father.

And Purdue said you were going home, and he took you?—Yes.

Did you complain about that?—I would not like to lay any complaint, but it is a ground for one.

What would you want them to do? What else was there for them to do?—Put me in.

Did you want them to do that?—No.

You came in voluntarily the next day?—They would have brought me in.

And you have no complaint against the detectives up to that time?—No.

"ADVISED."

Did not Purdue show you the proclamation?—Yes. I asked him to define certain words in it about the Governor "being advised" that he read to me. He got a dictionary.

Why did you ask him about the word "advised"?—He was talking a lot about it.

"The Governor will be advised to grant

a free pardon," I think the document read, "so long as he is not the actual person." Were you invited to make a further statement?—No. He asked me a lot of questions about how the murder happened.

When did you leave?—At 7 o'clock after some trouble. I wanted to know my position, but they would not tell me. They would not let me go until after a struggle. They asked me to go in on Monday and tell them the whole affair. I said I could not tell them more than I had. I had told them the truth.

Did you not say when they showed you the proclamation: "I cannot say any more"?—I told them that on several occasions.

You used the word "truthful"?—Yes.

They would only allow you to go on your undertaking to return on Monday?—Yes.

Did you not say, "If you let me go I will come in on Monday and give satisfaction"?—I said I would give satisfaction to them and to me too.

What did you mean?—I meant giving them satisfaction, but they would not take it. I told them all along I had nothing to do with the affair.

How were you to give satisfaction on Monday?—I said I could only repeat what I had already said.

You said you would give them satisfaction?—I should consider that satisfaction, but it did not satisfy them.

You do not complain of them letting you go?—No.

What do you complain of on the Saturday?—About the sketches and suggestions they put to me.

Not in disbelieving your story?—I would not be as childish as that.

Nothing else?—I don't want to make any complaint.

They did let you go until 2 p.m. on Monday?—Yes, on the stipulation that I should tell them where I was going, and ring up at the hotel on Sunday afternoon. I was to tell them whether I came from the hotel before 5 o'clock.

You did not take much notice of that instruction. You left in the morning?—I meant to say the district. (To his Honor): Not to go into town unless I rang them up.

And you promised to come in faithfully by 2 o'clock, and you did not do so?—I came in at 5 instead.

MONSON'S ADVICE.

In the meantime you had seen Monson on the Sunday?—Yes.

And that night you told him you had made half a dozen statements?—Some statements.

Did you tell him you were muddled or flabbergasted?—I said something about being muddled in the statements.

But there was nothing?—Monson asked me if the statements were correct, and I said, "So far as I could think, they were, but I might have muddled one or two things up."

Did you tell him you were flabbergasted?—I told him I was upset.

And he advised you to say nothing more?—Unless I was absolutely sure of it.

And you were with him on the Monday, and I suppose discussed your unenviable position?—It was mentioned once or twice.

Was it not the main and practically the only topic?—No, only one of them.

Did you not discuss it at length with Monson?—For an hour or more.

Did you complain to Monson about the way the detectives had treated you?—I do not remember.

It was not very much in your mind then?—I do not want to make any complaint about the detectives.

That does not matter, your counsel has already done so. Did you tell Monson?—I do not know.

The Court adjourned until 10.30 next day.

TO-DAY'S PROCEEDINGS.

The accused showed no impairment of his composure in the witness-box this morning, despite the fact that it is the 11th day of his trial. There is a suggestion of frayed nerves on the part of

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the counsel, jurors and witnesses as the trial proceeds with what appears to be elephantine slowness, but the youthful central figure steadfastly maintains a countenance and a demeanor that may be described as unruffled and undisturbed.

NO COMPLAINT TO MONSON.

Resuming his cross-examination of the accused, Mr. Parker asked:—

Did you complain to Monson, when you saw him, about the detectives?—I don't know that I complained. I just told Monson what had happened.

Was your statement to him in the nature of a complaint?—I couldn't say. It all depends on how one would take it.

Did you consider it in the nature of a complaint?—No.

Therefore, you did not complain and that conversation with Monson was within

12 hours of the detectives interviewing you and taking two statements from you. As a matter of fact, on the Monday night you said to Detective-Sergt. Purdue, "I don't want you to think I am 'pulling your leg'?"—That is right.

You also said to him "You have been fair to me, and I have been fair to you?"—I think I said that.

Why did you have your coat and hat off in the detective office on that Monday, April 13?—It was a very hot day.

Is that the only occasion you had your coat and hat off in the detective office?—I may have had them off on another occasion.

Surely you can remember?—I am not sure.

THE NUMBER PLATES.

Do you remember that after the final statement on that Monday night the detectives put to you a couple of questions? Do you remember Purdue asking you would you like to say anything about the number plates?—I don't think I remember that.

Were the number plates mentioned on that occasion?—They may have been, but not to my knowledge or recollection.

Would you deny it?—Certainly not. I say I cannot remember.

His Honor: There is no evidence that the question was put.

Mr. Lavan: The Crown Prosecutor's question is a suggestion to the jury that that was said. The witness says he has no recollection of it.

Mr. Parker: If my friend will allow it, I will recall Det.-Sgt. Purdue.

Mr. Lavan: That is just a gag. There is a proper time to do these things.

Mr. Parker: It is only after a certain time that evidence becomes admissible. This evidence has only just become admissible, and later I will, if necessary, make application to recall Det.-Sgt. Purdue to say whether that was or was not said.

Mr. Lavan: Does Mr. Parker suggest that a statement made by this man at any time was not admissible? If so, the contention is ridiculous.

GIVING SATISFACTION.

Mr. Parker (to Anburn): What do you mean by saying that the detectives were pressing you for satisfaction?—I told them repeatedly that I had already told them all I know, and they would not take that.

You mean that they would not believe you?—No.

So you said you would give them satisfaction on the Monday?—As far as I had already given them satisfaction.

You said satisfaction to them and satisfaction to you?—Yes.

Then that really had no meaning?—Not more than I am given to understand at present.

I understand you did not tell Monson that you were flabbergasted?—I may have said something to that effect.

Were you flabbergasted?—I have already said that I was not.

So that was a fabrication of Monson's?—No.

Was it a lie?—I am not prepared to say.

Anyhow, in those two previous statements there was nothing that you wanted to correct on the Monday?—The statements were not shown to me again.

But you remembered what you said?—Yes.

And you told the truth in those two statements?—Yes.

They were the truth?—Yes, as far as I could see there might have been an omission.

FEAR OF IMPLICATION.

You realised on the Monday that you were in serious trouble?—Well, no, I did not.

Did you not realise that you were liable to be arrested almost immediately on a charge of wilful murder?—Yes, but what time on Monday?

Any time at all?—After 7 o'clock I did not think it.

Up to 7 o'clock?—I had a feeling I was going to be implicated.

Yet you only discussed it with Monson for about an hour?—I said I only thought that.

When did it dawn on you?—All day Sunday and on Monday.

It was while you thought you were, that you telephoned Miss Sadler?—You can put it that way if you like.

You do not disagree with me?—I do not disagree.

WASHING CLOTHES

Do you often wash your suits?—I have on two or three occasions.

You have told us of two, how many others were there?—I washed the grey suit about 18 months ago.

Were there any other occasions?—No.

And why did you wash them on those occasions?—They were dirty and greasy.

Were you able to wear them again in the street?—Yes.

Have you ever had suits cleaned at the cleaners?—Several times.

What are the charges?—10s 6d to 7s 6d.

Have you ever washed the last coat produced?—That is, the old coat with the two buttons, no.

Have you ever washed the one you were wearing?—No, not at all.

You got your grey suit somewhere about six months ago, in the summer?—Yes.

And Miss Sadler, I think it was, says you only wore it on wet or cold days?—Yes, usually.

You must have only worn it once?—I would not say that. I said usually. I have worn it when it was very warm.

At other times you would wear one of the blue suits. Did you wear them alternately?—Yes, up to a certain time.

Up to what time?—Two or three months before the 4th.

Are you sure of that?—I cannot exactly give you accurate times.

Well, up to that time, you apparently wore them alternately? Then it is correct to say one was your best and one was put away—used about cars?—It is correct.

Which is correct?—I used them alternately up to two or three months before the 4th.

Then it is not correct to say that up to that time you used one as your best and the other about cars?—I always considered one better than the other.

Why up to three months before the 4th?—One was better made than the other.

Did the suit you were wearing get very dirty during the last two or three months?—I would not say so.

You have practically worn it continuously during the whole time?—Yes.

Why did you send it to be cleaned?—When?

You know you sent it to be cleaned, or that it has been cleaned?—Certainly it has.

When?—While I was in the lock-up.

You wore it at the inquest and immediately after you gave it to your brother to

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be cleaned and pressed?—Not immediately, but some time after.

How long?—I could not say.

What did you go to Fremantle Gaol in?—My grey suit.

How long was that after the inquest?—Four days after. Instructions were given to my brother, and it was left in the lock-up two weeks.

How do you know?—I am pretty sure it was.

You asked your brother to have it cleaned and pressed?—I asked him to clean and press it.

Didn't you specially ask the chief warder to take great care of it?—I asked him, as I did not want it creased. That is quite natural.

Was it in the same condition as when you got it and put it on for this trial—that was the first time since the lock-up?—Yes.

I presume it was much better?—Yes, although it was not very dirty in the first place.

When you went to Moirs on the night of the 1st you saw Miss Sadler first, and she was busy in the kitchen?—Yes, doing something.

And she was busy more or less all the time you were there?—Yes.

I think you told us that sometimes you would have your coat on and sometimes off while you are working, and you put it on while your arm was bleeding?—Not while it was bleeding.

Yesterday you told us distinctly you put it on two occasions when it was bleeding?—After it had been bleeding.

You want to correct it?—I do not. To the best of my intention I said after it was bleeding.

Did you ever have your coat on when your arm was bleeding?—Oh, yes.

Take the blue coat, No. 4; turn the right sleeve inside out and show the blood marks upon it?—(Witness examined the sleeve.) There are no blood marks on it, unless they have been cut out. I would point out that this suit was cleaned about six months ago by the Parisian Dye Co., and has not been worn since. (The coat was then handed to the jury for examination.)

How long after the grey suit was washed was it pressed?—Two or three days.

Why did you not press the other blue suit?—It was not dry enough. It was kept in the washhouse.

It took that suit the half of March and half of April to dry?—I would not say that. It may have been dry a week before April 4.

THE BUTTON.

When did the button first come off it?—Some two or three months after I got the suit. It is not a very important thing when a button comes off.

What did you do?—I sewed it on again. The other button became loose, and I sewed that on, too.

And it came off later?—Yes, and I sewed it on. On the third occasion the jigger button pulled off at the end of the link. I cut the link off near the coat, and cut a piece of serge off behind the button. The outside button of the coat then became loose, and I put two or three threads through it.

What happened to the jigger button?—I do not know. It probably came off when I was working on the car.

Why do you think that?—That is how I did lose it. The coat was tight, especially when I was sitting in the driving seat of the car.

You think it burst off?—Yes, I may have lost it in some other way, but that is the most probable way.

Did you always wear your coat buttoned up?—Yes.

Do you mean to suggest that you did not notice then that your coat was flying open?—I may have noticed it. I don't remember noticing it.

How long ago was it that you finally lost your jigger button?—About four or five months ago.

Did you ever work in that coat on cars after losing the jigger button?—Yes, and I also wore the suit out, as when going to town.

Didn't you find it rather awkward working on cars with your coat flying open?—It was not flying open. There was the other button.

The other button, you say, had only been put on with a few threads. Has it ever pulled off?—No.

Didn't you ever sew the jigger button on anywhere except immediately behind the outside button?—I won't deny it.

Have a look at the coat now. (The coat, which is an exhibit, was handed to the witness for inspection.) Will you still say that you never sewed the jigger button on except behind the other button?—I say I will not deny it.

Have a look at the hole, and then tell me what you have to say?—It does not alter my opinion. I will not deny it. I may have sewn the jigger button on another place than behind the button.

The hole behind the button, where the jigger button has come out, apparently is not behind the button?—Not exactly behind.

Not where it would be if you had sewn the jigger button through the button?—No.

You have sewn the jigger button on at least on two occasions, and perhaps more often?—Yes.

MISS COOMBES MISTAKEN.

Is Miss Coombes correct in saying that you washed the clothes because they were covered with mud?—She is not correct.

Is that imagination or fabrication on her part?—It might have been suggested to her.

By whom?—I don't suggest anybody.

Are you insinuating that someone has asked Miss Coombes to say something that is not correct?—I am not insinuating at all. I just make the suggestion. I don't wish to follow it any further.

What is in your mind?—I can't explain.

CONVERSATION IN GAOL.

At the interview you had with Miss Sadler in Fremantle Gaol, do you remember telling her to go down a lane past a wicket gate and she would see "M." and "B." and so on?—No.

Do you remember the initial "B" being referred to?—No. If you wish to know about that conversation, why not put Mr. Hamilton in the box?

I am going to do so. Mr. Hamilton will further say that you said "after you went down the lane you would see the wicket gate"?—I don't remember that.

And further that you said "it would be all right"?—That is another suggestion.

Didn't you tell Miss Sadler at Fremantle that she had not told the truth in the lower Court?—I don't remember saying that.

Will you deny having said that?—It is a very hard thing to deny.

"PUT THE BOOT IN."

Of course it is; and didn't you say to her, "If you don't tell the truth in the other Court, I'll have to put the boot in, in the other Court?—I did not say that.

Will you deny having said that if Mr. Hamilton says so?—Certainly I will.

Were there any words to that effect?—I don't think so; I am nearly sure.

MISS SADLER'S EVIDENCE.

His Honor: He has denied everything, and I don't know how you are going to prove that he is wrong, Mr. Parker. You had Miss Sadler in the box and you didn't ask her a word about this.

Mr. Parker: Obviously my duty now is to recall Miss Sadler.

His Honor: Whether or not you can recall Miss Sadler now is quite another question.

Mr. Parker: It is within the discretion of the Judge.

In the O'Neil murder case to-day Mr. Parker, while cross-examining Auburn, referred to a conversation between Auburn and Miss Sadler at Fremantle gaol.

His Honor: You could have asked Miss Sadler the question when she was in the box.

Mr. Parker: There were several applications for leave to treat Miss Sadler in a certain way and your Honor would not grant them. We could not put leading questions to her.

Mr. Lavan: Your Honor will remember that Miss Sadler was particularly asked, "Have you been down to Fremantle Gaol to see Auburn?" That could have been followed by the question, "What occurred?"

His Honor: She said that nothing occurred, that the case was not discussed.

Mr. Lavan: What is Mr. Parker going to do now? Contradict his own witness? One is not allowed to do that.

His Honor: She said there was a warder present all the time.

Mr. Parker (to witness): You were speaking to Miss Sadler very often in a very low voice?—Yes, but Mr. Hamilton was there all the time. You are not allowed to speak too low down there. It must be so that the warder can hear.

His Honor: Who was the warder?—Mr. Hamilton.

Do you propose to make application to call him?

Mr. Parker answered that he did.

Mr. Lavan: You must first establish your right to do so.

His Honor: It is a matter that can be discussed later.

MONEY FROM HIS FATHER.

Mr. Parker: Did you say you could always get money from your father when you wanted it?—Yes.

Eighteen months ago did you get any from him?—Yes.

And from 18 months to the time of your arrest?—Yes; also before that.

Do you remember a judgment being obtained against you for £30?—Yes.

Mr. Lavan: What is the object of all this? Mr. Parker will say it is only to show he was hard up.

Mr. Parker: Nothing of the kind. Only to show that he could not get the money to pay Singe his £22.

His Honor: Obviously that is what it is for.

Mr. Parker: And there was no prospect of getting it.

Mr. Lavan: Are you sure. We will see about that. You should not make that statement.

Mr. Parker: You asked me for reasons. (To the witness): Have you any objections to my inquiring into your financial position?

Mr. Lavan: I will make any objections that are necessary.

Mr. Parker: Very well. (To the witness): You have no objection at any rate. You can always get it. Do you remember a man named Bowden, or a similar name?—Yes, I do.

A JUDGMENT SUMMONS.

Motor accessories: A solicitor demanded £30 from you?—I am perfectly aware of that; you need not go into details.

But the jury want to know?—My character is quite all right.

I am not inquiring into your character?—Oh, yes you are.

You did not pay the money?—No.

A judgment was obtained, and a summons issued?—Yes.

And an order was made for imprisonment in default of payment?—I did not know that.

You did not know?—No.

Was it paid?—My father paid it.

When?—You know these details, why question me?

Very well. An order was made for £32 for the payment of the money, and a warrant was issued for your arrest, and your father paid it?—I was away in Melbourne at that time.

Mr. Lavan: Your Honor can see the object is to discredit this man.

His Honor: That is not the object at all.

Mr. Parker (to witness): In what was it paid?—I was away at the time.

£10 a month, who paid it?—My father.

When?—When I was away.

You do not even know whether it was paid?—No.

Did you ask your father for the money?

—He volunteered to pay it.

After the warrant was issued?—No, before.

Was it when the judgment summons was issued?—Yes, I wanted to pay it.

But you didn't pay one penny yourself?—No.

HIRING A CAB.

You engaged Singe's car on the Saturday. Was that the first car you asked for?—Yes.

You mean that?—I do.

Will you swear you got a car from the very first person you asked?—Yes, and that was Singe.

Did you ever ask Geo. Craike for his car that Saturday?—I was talking to him.

He refused to give you credit?—I never spoke to him about it.

Will you deny you asked Geo. Craike, a motor driver on the Terrace rank, about a motor car to Wagin?—I did speak to him about a trip to Wagin, but I did not ask about his car. I asked the price of the trip. I also asked where I could find Singe.

Mr. Lavan asked whether Mr Parker was entitled to put these questions. He contended the evidence was inadmissible.

His Honor said it was a formal question, and the jury would take the answers of the witness, and not suggestions.

Mr. Parker (to witness): Was it morning or afternoon when you saw Craike?—Afternoon.

Did you tell him you wanted to go to Wagin, as someone there was sick, or words to that effect?—I said I was going to Wagin.

Did you tell him whom you were taking?—I did not.

Any of the party?—I think I said a party was going.

Didn't you ask him what it would cost?—Yes, but not for his car.

What did he tell you?—I think he said about £19.

Didn't he ask you when you wanted to go?—I don't think so.

Did you tell him when you wanted to go?—I might have said that afternoon.

Did you say straight away?—No, that afternoon.

Did he tell you he had to get a new tyre before he could go?—He said it is just as well I am not going. I would want a new tyre to go with.

Didn't he say what about some cash, I want a new tyre?—I deny that.

Did you say to Craike, I can give you a cheque next Wednesday?—Nothing to that effect.

Did not Craike reply, "I am looking for a cash job?"—It might have been said in the course of conversation. He said he could not go a long trip on account of the bad condition of his tyres.

Did you see a driver named Moody that afternoon?—There was a driver in a car ahead of Craike, but I don't know his name.

Do you know Moody by sight?—No.

Do you know a driver named M'Kinley?—I don't know him by name.

A tall fellow Did you see him that morning?—I might have seen him.

His Honor: Do you know M'Kinley?—I may know him by sight. There were several drivers around the car when I was talking to Craike.

Mr. Parker: Did not these two refuse to take you to Wagin because it was not a cash job?—I will swear they did not.

Do you know the driver, George?—No.

Did you speak to any other man?—I may have done so.

Do you remember one of the men, presumably George, saying his tyres were broken?—He may have said so.

Did you not offer him £20, and tell him he could book a pair of tyres to you?—That is a fabrication.

You have said there is no difficulty in getting money from your father when you wanted it, and yet you have often walked home because you had no money. How far is it from the city to your home?—About five and a quarter miles.

And you would rather wash your own clothes (than have them cleaned)?—That was not from the economical point of view.

Why did you not borrow your father's car to go to Wagin?—It was not big enough for the party. I had the privilege of using it when I wanted it.

You wanted to make a good fellow of yourself and take a big party?—I had promised to take them.

His Honor: Miss Quigley says there was an arrangement made three weeks before to take the party.

MONEY DUE BY FATHER.

Mr. Parker: Why make such an arrangement when you cannot afford it?—(Indignantly.) I can afford it. My father is in my debt to the extent of £200 or £300 for work I have done. That is to say, I can draw that amount if I want it.

Does he owe you one penny?—In a way. I can draw that when I want it.

Why have you not drawn it and paid your debts?—They are all paid except Singe's. I can explain about that.

SINGE REFUSED CASH.

If you had not been able to get a motor on credit, what would you have done?—I would have got the money from my father. I told Singe I could get the cash if he wanted it, but he said a month later would do.

Have you ever heard of a taxi driver refusing his fare?—Singe is in a big way.

His Honor: Do you say Singe refused the money?—Not exactly that. I offered it, but he said it would do in a month's time.

Mr. Parker (to witness): Have you had credit from Singe before?—I have never had occasion to get it.

Was it Monson's advice that you should refuse to tell the police anything further on the Monday night?—No.

Is there any blood on the sleeve of your other coat?—I think not. It has been cleaned twice since my arrest. The lock-up is not a good place to keep clothes in.

Was there ever any blood on the sleeve of that coat?—There may have been.

THE FIRST STATEMENT.

The witness was then taken through the first statement he made to the detectives. Mr. Parker asked "Is it correct?"—The statement says I left home on the Thursday night, April 3, on the 6.45 tram. That should be the 6.15 tram.

You said distinctly you left Osborne Park at 6.45?—I did not say so distinctly. I said I left a little after 6.

When did you find out you had left then?—I remembered it shortly after my arrest. The statement was only taken roughly.

I will show you how roughly. It says you arrived in the city at 7.25 p.m.?—The detectives reckoned that up.

But you signed it as being correct?—It is fairly correct.

It is at 7.25 that the 6.45 tram arrives in the city?—Yes. I did not know they were reckoning it up at the time. I did not take the 6.45 tram.

A STATEMENT CORRECTED

Your statement proceeds, "When I arrived on the evening of the 4th inst., I went straight to the Grand pictures"?—That is wrong. I didn't go straight to the Grand, though I told the detectives that. I was merely asked for a rough statement of my movement. It never struck me to tell them about Miss Sadler. That was an omission.

What did you think the detectives were taking the statement for?—Purdue told me it was being taken as a matter of form.

His Honor: Is not a statement taken as a matter of form, supposed to be true?—Yes.

Mr. Parker: Your statement then goes on, "And remained there until the finish of the programme, at 10.15 or 10.25 p.m.?"—I was not sure of the time then.

Otherwise the statement is correct?—Yes.

You did stay until the finish of the programme?—So far as I had seen it. I did not mean the finish of the show. I saw the programme through from the point at which I came in.

You have never suggested that anywhere before?—No.

THREE WRONG STATEMENTS.

Then there are three wrong statements in that paragraph?—Yes.

And you told the detectives those things?—No.

Do you mean to say they put them down without your saying them?—Yes.

The statement was read over to you, and you agreed to it, and didn't correct it?—Yes.

His Honor: Didn't you tell the detectives 10.15 or 10.25?—Yes.

AROUND THE BLOCK.

Mr. Parker: Then you say in your statement, "When I left the pictures, I walked around the block once, Hay, Barrack, and William streets?"—I walked around the block after I came out of the shop.

After you found you had only 3d, you did what?—Walked around the block.

What did you walk around the block for?—In the hope of seeing someone to borrow 3d from.

But I thought you said it was not nice to borrow a small amount like that?—I said so only as regards the shop.

Don't you think you would have been very much more likely to have found someone on the tram on the way out to Mt. Hawthorn?—Yes.

You could have gone to Golding's shop as a final resort?—You might do that, Mr. Parker, I would not.

I would do it rather than walk and, further, having lived so long at Osborne Park, I would have expected to find on the tram someone who would have trusted me for 2d. You say you thought you were more likely to find someone to borrow 3d from by walking around the block than by going on the Osborne Park tram?—Yes.

O'NEIL'S COAT.

Then your statement says, "When passing the West Perth railway station I picked up an overcoat. This was about 11.30." Is that correct?—That time was calculated by the detectives.

And you agreed. I suppose you are still of the same opinion?—I would not say that.

What has made you alter your mind since then?—I can't say exactly.

You gave this statement one week after April 4?—Yes.

Then your statement goes on, "The overcoat I have since been told belongs to the late Jack O'Neil. I have never seen Jack O'Neil. The coat was lying in the north-west corner of the subway. I picked up the coat and dusted it, and looked at it under the light close by." What do you mean by "the light close by"?—The light under the subway.

That would be pretty well over the coat?—Yes.

Your statement continues: "I did not see anything unusual about the coat. I took the coat home by carrying it." Within a week afterwards you did not know whether you had worn this heavy coat?—That is so.

THE BUMPING INCIDENT.

Further your statement says, "When I got near the Leederville Hotel in Oxford-street by the Chinese gate, I was walking on the footpath on the east side, and two men were coming in an opposite direction. I went to get out of the road, and went the same side as they did, and they bumped me and knocked me over,

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causing the wound on my right arm to bleed." Did they knock you right over?—No. They knocked me to one side. It was more my fault than theirs.

Did you give the detective to understand the men knocked you right over?—No.

Your statement next says "This bump caused the wound on my arm to bleed and the blood ran right down my arm to the palm of my hand." Was that so?—Yes.

And no one in the tram saw it. Which hand did you pay your fare with—your right hand?—I might pay it with either hand.

But you had a bottle under your left arm, so you must have paid it with your right hand?—I must have.

Did you get any blood on your coat?—I may have done.

Did you?—I do not know.

Did you see any on your coat?—I did not.

Or your waistcoat?—No.

Was your arm paining you when you were helped by the tram motorman?—Yes. Or was it because you were feeling faint?—I was feeling weak. It was through the arm.

Did you tell anyone besides McKenzie that it was paining?—I may have; I don't remember.

Your mother and father, for instance?—They were asleep when I got home.

MORE CORRECTIONS.

The inference is to be drawn from your statement that you came to town and went to Miss Sadler's with the car?—No, I went to Miss Sadler's first.

When you say "I stopped in town" it is wrong?—That was when I came from Miss Sadler's.

So that it is wrong to say "I stopped in town and engaged Singe's car"?—Yes.

Did you say "I only had one overcoat—I picked it up at the Park"?—I might have, but I think I said "I have a coat; we will pick it up at the Park."

It gives a wrong impression?—It is fairly correct. Just twisted round a bit.

You said "I wrote for it to Wagin"?—No, I said I would write.

Did you sign the statement?—Yes. I glanced at it casually and signed it.

As a fact you have never yet written to Wagin?—Certainly not. . . . There is nothing here to show I called in and gave the address of Allport.

WESTANA ROAD ONCE MORE.

At Westana-road you said you pushed the bike up the hill. It is pretty heavy, isn't it?—Yes, but not with the belt off. It is the same as a pushbike.

And you stopped right at the bottom of the dip?—I should say it was the bottom.

Did you get up any pace coasting down the hill?—Just sufficient to keep a balance.

Does not the impetus coming down take you over the hollow?—Sometimes.

In this instance it did not?—No.

How far off the main road were you sitting down?—Just about on it.

And that is where the bicycle was?—Yes.

Were the tracks more distinct on Monday, 7th, than on Friday, 11th?—Decidedly more distinct. I understand that Detective Purdue put down banksia nuts on the tracks so that people would not disturb the marks.

Did you say "This is where it was dragged out, and this is where it was dragged in"?—No.

That is a pure fabrication?—I would not say that. It is a mistake perhaps.

When you saw the place did it appear to you there was anything suspicious about it?—No; there was, however, a tree broken down.

Cattle could have done that?—I do not know.

WHY HE TOLD THE DETECTIVES.

Why did you tell the detectives about it?—I suppose because I was with them, and the spot came to my mind. I had been talking to them about the murder.

Did you not tell them you had found the place where you thought it had happened?—No.

What did you tell them?—I told them of the spot I had found, and that a car had apparently run into a tree.

Mr. Lavan: The witness did not suggest he thought it was the place where the murder had been committed. Mr. Parker suggests he did so.

Mr. Parker: Did you tell Detective Doyle about the spot because you thought it had something to do with the murder?—No; it was a suspicious-looking spot, that is all.

Suspicious as regards what?—It looked as if something had happened there.

Did you not connect it with the O'Neil murder?—No.

And yet you wanted the detectives to look at it?—I did not want them to, but I told them about it.

You invited them to go in there?—I did not.

Did you not later on say to Detective Purdue "Do you think I would have shown you the spot if I was in it"?—I said that on some occasion.

And now you say you did not know or care whether it had anything to do with the murder?—It had nothing to do with me.

Was it not your own suspicion that it might have had something to do with it?—No.

Didn't you put it to them with the sole purpose of disarming suspicions against you?—Certainly not.

You said later, "Do you think I would have shown you the Westana-road spot if I had been in it," and didn't you make a similar remark about the overcoat?—Something to that effect.

You discussed the matter with Detective Purdue, who said something about people going back to their old haunts?—He said something about murderers going back to the scene of the murder.

It was in connection with the O'Neil murder that you told the detectives these things?—But the murder was not in my mind at the time.

You said you would have mentioned the Westana-road spot to the detectives only it did not seem important to your mind?—That is what I said.

You further said in your statement that it did not seem important even when you did mention it?—It did not.

NOTHING SUSPICIOUS.

Do you still say there was nothing suspicious at that time, even after seeing drag marks?—Yes.

And you never saw any blood?—No. Well, you didn't look very hard?—No. I told you that before.

Then you were not looking for 20 minutes?—Certainly not. Perhaps a couple of minutes.

MANY INACCURACIES.

In that first statement of yours, there are a great many inaccuracies?—Yes, due to myself perhaps.

And you never corrected them afterwards?—No.

About what time used you to get on the tram at Newcastle-street?—About 25 minutes past 11.

Usen't you frequently to meet quite a number of fellows just around that corner?—Almost always.

Usen't you to meet them in the shop?—Yes.

And sit down and have a yarn?—Yes. Nearly every night?—Not nearly every night, but frequently.

About what time used you to meet?—About ten minutes past 11.

And then you used to wait until the last tram?—Generally speaking, yes.

Why didn't you go back on the night of April 4 to meet your pals and borrow a couple of pence?—I had no definite friends to meet there. They might have turned up or not, you know.

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MR. LAVAN RE-EXAMINES.

Re-examination was commenced at 12.45 p.m.

Mr. Lavan: On Monday you were cross-examined first of all with regard to doctors you had seen. Where did you see any doctors since you have been in prison?

—At the lock-up and at Fremantle gaol.

How many doctors did you see at the Perth lock-up?—Three, I think.

And at Fremantle gaol?—One or two.

You saw Dr. Barker?—Yes.

You mentioned Dr. Bentley's name.

When do you say Dr. Bentley saw you?

—The morning you brought him to see me. I was afterwards informed it was Dr. Bentley.

It was not Dr. Bentley at all. The doctor you took to be Dr. Bentley was a doctor whom I took to see you, and that was Dr. Juett.

What other doctor did I bring to see you at the lock-up?—Dr. Moss.

Do you know what doctor saw you at the Fremantle gaol?—I think it was the doctor who usually comes into the Fremantle gaol.

It was not a doctor I brought to see you?—No.

It was either Dr. Juett or Dr. Moss you mistook for Dr. Bentley?—Yes. I was told it was Dr. Bentley.

MONEY FROM HIS FATHER.

Who paid your expenses when you went to Melbourne about 12 months ago?—My father.

You told us you were employed assisting your father. Now, at any time, can you or can you not, if you want some extra money, get it from him?—Certainly.

You told us about going to the shop at the corner of Newcastle and Beaufort streets, and also that when you went to Golding's you got soft drinks there?—Sometimes.

What did you do with these things?—I used to consume some at the shop and some I took home.

HIS ARM BLED.

When you knock your arm, does it cause you any pain?—Yes, extreme pain at times.

Why do you swing it?—It generally eases the pain a little.

Can you tell us how many times, so far as you remember, the blood has run down your hand?—On a good many occasions.

Sometimes you shook it while the blood was dripping?—Yes.

Can you say with accuracy the last time that occurred?—The last time I noticed anything special was on the night of the 4th.

But about the swinging of the arm?—I cannot remember.

Do you remember M'Kenzie saying in the Coroner's Court "I think Auburn said the wound was caused by having slipped down some stairs"?—Yes.

Do you think there is much difference in going from the corner of Murray and William streets to the Leederville Hotel, by taking the route you took, or going over the horseshoe bridge?—No.

The Court adjourned for lunch.

When the Court resumed at 2.5 p.m. Mr. Parker said: "During the cross-examination of accused, I referred to four taxi-drivers, and put to him the conversation between him and one driver in particular. I did not put any specific conversation between him and drivers George Moody or McKinley."

CALLING TAXI-DRIVERS.

His Honor: You put the conversation as regards Craike, and the witness said he did not know either Moody or McKinley.

Mr. Parker: By name. I put the general question to the witness, but nothing of a specific nature as regards the others. I only got information about this matter as I came to the Court this morning, and there was only time to get a statement as regards Craike. The information came to

me through a third party. I understand McKinley is away in the country, but from two of the other drivers I now have a statement. It is the correct thing that I should put these specific conversations to the accused to admit or deny. I propose later on asking for leave to call these taxi drivers to say whether such conversations are so or not. I could not have called them before. I now want to put these specific conversations to the witness.

His Honor: The witness has denied any general conversation with them. Suppose at a later stage I gave you leave to give rebutting evidence on the point. You would then examine in chief, Mr. Lavan would cross-examine, and if you did not put the questions to the accused he could recall the witnesses. That would be the better course to take rather than that the examination should now be interrupted.

Mr. Parker: If your Honor likes I will put the witnesses in the box now.

His Honor: I will leave it to apply in the ordinary course.

Mr. Lavan: It would be better that an application of this kind should be made elsewhere when the jury are not present.

His Honor: There may be some occasions when that would be convenient, and there might be others when it would not be.

RE-EXAMINATION CONTINUED.

Mr. Lavan (to accused): You told us you always went to the shop at the corner of Beaufort and Newcastle streets to get pies and limejuice and soda. Does your father stock limejuice and soda?—No.

After the Wagin trip, how often were you at Moir's?—On the following Monday night, and on the Tuesday of the motor trip, and also on the Wednesday and the Saturday, but not since.

As regards making inquiries of the girls at the Grand Theatre, where have you been since April 16?—Under arrest.

As regards the coat and trousers, that the police found washed, you said you pressed them two or three days after they had been hung on the line. Was that in January?—Yes, some time this year. After that I wore the suit a good bit. I got that suit and the suit that I am now wearing at the same time. The suit I am wearing is the dearer by a pound or two. I did not know Cecil White very intimately. I used to meet him on the Osborne Park tram. He was living at Osborne Park some time prior to April 14. On Sunday, April 13, the condition of the roads was rather bad, and on that occasion it was easier to use a push bike than a motor cycle. The condition of the road was bad.

You said in cross-examination that on the night of Friday you were annoyed with Miss Sadler, and in consequence showed her some petty spite, as you have described. Was the spite directed against anyone except Miss Sadler?—No.

On the Saturday morning, when you got up, what was the condition of the weather, and how did it promise?—It looked very much like rain; it was very threatening weather.

How long was it before you went to Wagin that you told your father you were taking a trip that way?—I think it was the Thursday before we left.

When Miss Sadler paid you the visit at Fremantle, was the chief warder standing

with you all the time?—It is quite necessary there.

With your legal advisers you were allowed to be alone?—Yes.

As you put it, Miss Sadler was mistaken, and not as Mr. Parker suggested, telling lies?—Yes.

With regard to your staying at Moir's on the Friday night, did you not on other occasions promise to stop, and did not do so?—A great many occasions.

You were asked by Mr. Parker why you did not hand in this overcoat to the police. You got home on the last tram on the Friday night. On the Saturday you went away. You returned on Sunday, and on Monday when did you report it to the police?—On the Monday night.

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You saw that small piece of mirror produced, from the spotlight, there being evidence of a car having been there and broken this tree, and you could see tracks. Could you suggest any other part of a car from which the mirror could come?—There could be no other part.

You said that when you went there on the Friday there was a difference so far as the tracks were concerned?—Yes, they were very distinct on the 7th.

When those statements of the Friday were taken from you, what was the procedure. Was there much questioning?—They questioned and calculated on various things.

On the last occasion when you washed the blue suits, do you know whether there were blood stains on it?—There may have been. That was two or three weeks before April 4.

“GET IT OFF YOUR CHEST.”

Are you sure that Dets. Purdue and Doyle said to you, “Don’t be a fool, George; get it off your chest”?—I am.

Who showed you the proclamation?—Det. Purdue.

Where was it all the time you were there?—On the table. I had my arm on it. The detective went out and got it while he was giving his sketch.

Resurrecting the incidents of the crime?—Yes. It was there for about two hours. There was some argument about the word “advise.” I do not know who mentioned it first.

Mr. Lavan: The witness complained on the Saturday that the detectives had been making suggestions and sketches for him.

Mr. Parker: He did not say that.

Mr. Lavan: He did. (To witness): You said to Monson you were muddled. Were you muddled?—I might have been.

Are there some omissions from the first statement you made to the detectives?—Yes.

OMISSIONS FROM STATEMENT.

His Honor: Did you point out the omissions?—Not at the time.

Mr. Lavan: Were you shown the statement afterwards?—I was shown it at the time, but did not see it again; neither did I see the second statement again.

Why did you get your clothes cleaned twice after your arrest?—To make myself look respectable. The suit was at Roestreet for about two weeks. I had my hat cleaned for the same purpose.

The police had every access to the blue suit before the inquest?—Yes. It was in the next cell to me.

AUBURN’S DEBTS.

Is it true you did incur from time to time some debts your father paid?—Yes.

His Honor: That is not a crime.

Witness: I never intended to hide it.

Mr. Lavan: Did you actually engage or try to engage any other driver than Singe for the Wagin trip?—No. I may have talked to others about it.

Could you have got Singe’s money for the Wagin trip straight away from your father if you had wanted it?—Certainly.

Auburn’s re-examination closed at 2.45 p.m., and he returned to the dock.

THE SOFT DRINK SHOP.

Mrs. Effie Turner Luyer, proprietress of a confectionery and soft drinks shop at 165 Walcott-street, was examined by Mr. Lavan. She said she had known the accused since March 5 last, when she took over the business. He had been a customer at her shop from that time on, coming in every night.

His usual order was two hot pies and a bottle of lime juice and soda. He always told her he was catching the last car at that corner. It was her custom at 11 p.m. to put on two pies to get hot for him. Auburn would come in any time after 11, and this happened every night. There was only one exception, April 4, when he came in earlier than usual. It was 10.10 on her clock, and she believed at that time it was ten minutes fast. He took two pies and a bottle of soft drink that night. The

pies were cold, as she had not been prepared for him. It was so unusual that she passed a remark, “You are early to-night, George?” There was only one other occasion on which he took away cold pies; it was just after she took over the business, and had overlooked his order. On the night of April 4 he did not have an overcoat.

MRS. LUYER CROSS-EXAMINED.

Mr. Haynes: A number of lads used to gather there every evening.

Witness: Sometimes.

Auburn used to join them, and they would have something to eat or drink in the shop?—He nearly always came alone.

But he used to sit there with his friends?—There was only one man there this night.

I think Auburn told us he very often talked there with his friends?—Yes.

Did those friends gather there that night?—There was only one gentleman, Miss Johnson, and myself, there when he came in.

Who was the other man?—Mr. White.

Mr. Cecil White?—No.

You do not know his Christian name, where he is, or what he does?—He is an elderly man, and lives in Golding-street.

How many other customers came in that night?—It is hard to say; there were a number.

You did not look at the clock when White came in?—I did not.

But when Auburn entered you did, and noticed the time?—Yes.

I don’t suppose you keep a record of what time your customers come in, or the date?—No.

When did you realise the value of this evidence?—As soon as he was arrested.

He was arrested on April 16, did you realise it the same day?—That evening.

TO ESTABLISH AN ALIBI.

You realised that your evidence as to his being in your shop at 10 p.m. was very important?—Yes.

You thought it would establish an alibi?—Yes.

In other words, that it would prove he could not have been the murderer?—Yes.

“The Daily News,” in announcing Auburn’s arrest, simply gave the details of the arrest. What was there about the announcement that caused you to think if you could establish his having been in your shop at 10 o’clock that night, he could not have committed the murder?—The fact that he was arrested on the charge of wilful murder impressed us. We remembered that he came in early, and that he did not come in again after that night.

You realised that evening the importance of your evidence?—Both Miss Johnson and I said he could not have been “there” that night, as he was in our shop.

Could he not have murdered O’Neil before 10 o’clock?—Yes.

IMPORTANCE OF THE HOURS.

What caused you to conclude that he could not have committed the murder?—We were only sorry to know he had been arrested.

Had you any reason to know what time O’Neil was murdered?—No.

Then there was nothing to impress you with the importance of the hours?—No. We remembered he had been there at that time.

When did you first make a statement in writing?—I do not remember.

Are you certain it was April 4 that Auburn was in your shop?—Yes, Miss Johnson had been visiting that night, and returned about five minutes to ten. Auburn came in about five minutes later. On the Saturday night he did not come in, and Miss Johnson spoke about it on the Sunday morning.

“WE WERE FRIGHTENED.”

To whom did you give the statement?—To Mr. Lavan.

Mr. Lavan: Mrs. Luyer’s statement was given on May 13.

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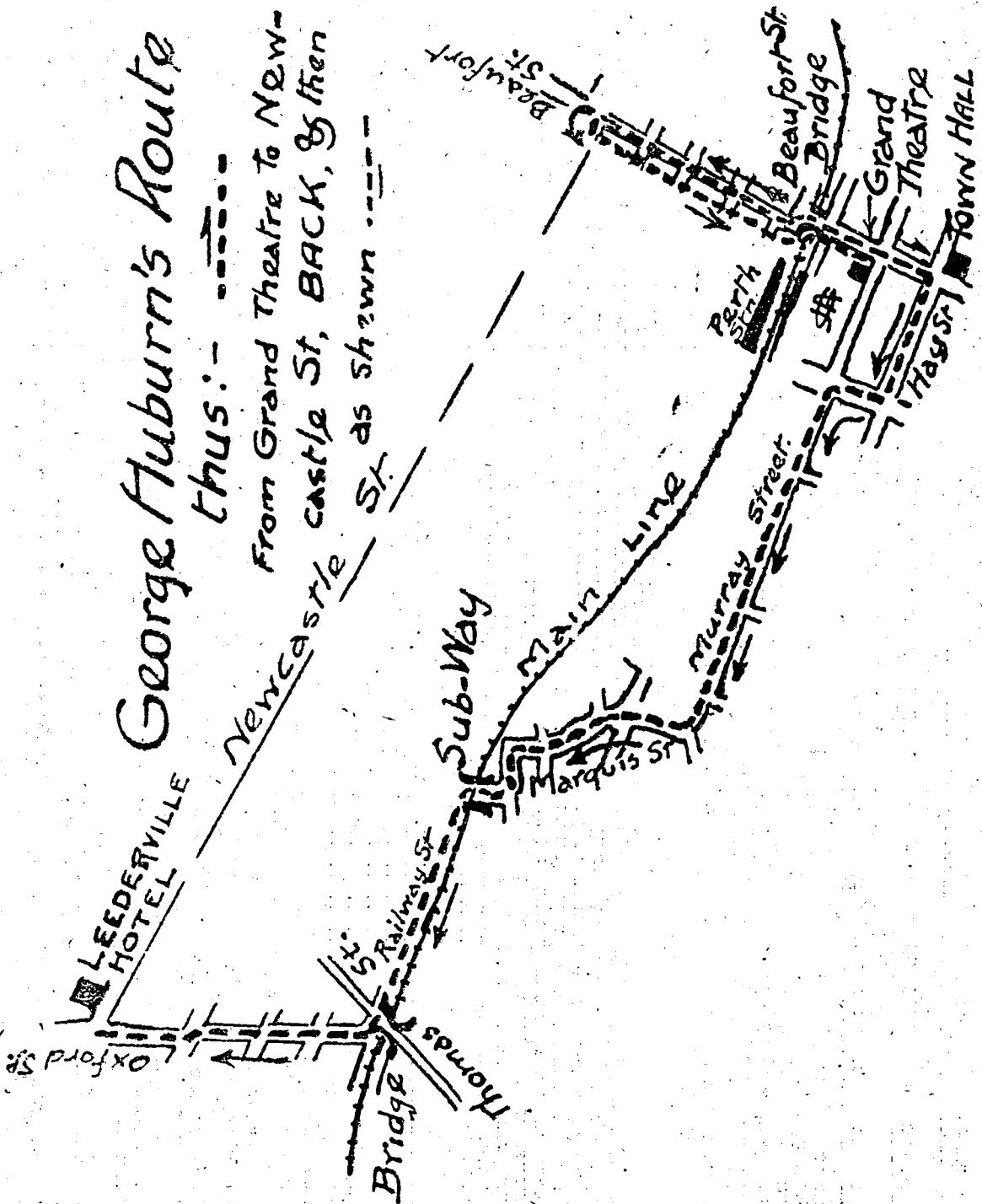
Mr. Haynes (to witness): Notwithstanding that you thought your evidence would establish this man's innocence, you were determined not to mention the matter either to the police or to the accused man's lawyer?—We were too frightened. I had been urged to go in to Mr. Lavan's office and state what I knew. I went there after the inquest was over.

George Auburn's Route

thus: - - - - -

From Grand Theatre to Newcastle castle St, BACK, & then

Newcastle St. as shown - - - - -



NOTE.—The above shows the route Auburn says he took on Friday night (April 4) after 10 o'clock—from the Grand Theatre out to the shop at the corner of Beaufort and Newcastle streets, back to the Town Hall, and thence out to the Leederville Hotel corner, via the subway at West Perry.

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The proposal announced yesterday of calling further Crown evidence indicates that the trial of Geo. William Auburn will be prolonged further than was anticipated. The tenth day of the trial opened this morning with the second witness for the defence under cross-examination.

George William Auburn, mechanical expert, 21 years, is charged with the wilful murder of John George O'Neil, a taxi-driver, on April 4, at Claremont.

Mr. Hubert Parker, with him Mr. A. G. Haynes, represent the Crown, while Mr. M. G. Lavan and F. J. Walsh appear for Auburn.

MRS. LUYER CONTINUES.

Mrs. Effie Turner Luyer, who conducts a shop at the corner of Newcastle and Beaufort streets, continued her evidence.

Mr. Haynes: You said yesterday you never had a conversation at any time with Mr. Murphy. Do you remember one day his coming into your shop with the "Sunday Times"?

His Honor: How are you going to make this evidence, when the accused was not present.

Mr. Haynes: When a person makes a statement with another person inconsistent with present testimony, it is possible to call evidence to prove it, unless it is admitted by the witness.

His Honor: Then it is solely as regards credibility.

Mr. Haynes: And memory.
Mr. Lavan pointed out that he did not follow this procedure early in the trial with the witness Johnston.

His Honor: If I give Mr. Haynes leave to call Mr. Murphy, where is the necessity to question this witness?

Mr. Haynes: I want to draw her attention to something to show her that she is mistaken. I intend to ask her if he allowed her to read this paper. (To the witness): Do you remember one day when you asked Mr. Murphy for his paper while he used the 'phone?—I still maintain I had no conversation with him.

Do you remember seeing the "Sunday Times" containing "the accusing eyes" and poetry underneath it?—I suppose we bought it ourselves.

Was it before or after his arrest?—I would not be sure.

Can you say whether it was before or after the inquest?—I think it was before.

Look at the date—April 13. That's three days before he was arrested?—Yes.

Did you go to Mr. Lavan's office on your own initiative?—Yes.

Did anyone on accused's behalf approach you prior to the date you went?—No.

Did you not go into Mr. Lavan's office on May 13 because you had just seen his advertisement in the morning paper inviting persons who knew anything about this matter to communicate with him?—I saw the advertisement amongst "Missing Friends."

Mr. Haynes and Mr. Lavan then engaged in a "sub voce" conversation.

His Honor: If you persist in these conversations, I shall adjourn the Court.

Mr. Haynes (to witness): Having seen that advertisement you decided to call at Mr. Lavan's office?—Yes.

THOUGHT HE WAS A "PIMP."

Do you know Mr. Duperuzel? (The man in question was then called into Court).—I have seen him two or three times.

Did you know he was a police recruit and later on a member of the force?—I thought he was a "pimp." (Laughter.) Someone told me he had been seen in the shop, and I was told to be careful of him because he was a "pimp."

You had some conversation with him?—I daresay.

Did you ask him what he thought of the murder, and did he not say that he did not know much about it?—I may have discussed the murder with him.

Did you tell him you were sure Auburn was in the shop on the night of April 4?—

If I spoke to him about it I would be sure to say that.

Did you tell him Miss Johnson was out at the time Auburn came in?—I could not have said so. It is untrue.

Did you tell him Miss Johnson had said to you later on that evening, "Has George been in?" and you said "He came in an hour earlier than usual?"—That is not correct.

I will now call in Mr. Williams. Do you know that gentleman?—I remember seeing him in the shop a few times.

Did you hear that he was a police recruit?—Yes.

Do you remember Miss Johnson saying to him that she was not in the shop when Auburn came in?—That is a deliberate lie.

A DELIBERATE LIE.

And the other statement was a deliberate lie. Was it?—I am referring to this gentleman.

Were you in the shop when Miss Johnson told Williams she was not there when Auburn came in?—I say she did not say that in my presence. She was in the shop when he came in.

Did she not tell Williams that she had asked you later on if George had been in, and did you not say he came in earlier than usual, and would not wait for his pies to get hot?—No.

RE-EXAMINATION.

Mr. Lavan re-examined the witness.

Have you any doubt that Miss Johnson was in the shop when Auburn came in on the night of April 4?—I have no doubt about it.

Did you hear anyone say she was not in the shop then?—No, she was there.

You saw me in response to the advertisement?—Yes.

Have you ever seen me before?—No.

Did anyone approach you from my office to call and see me, and did anyone that you know of approach you on Auburn's behalf before you saw me?—No.

Did you tell other people that Auburn was in your place that night?—I mentioned it to several after his arrest.

Why did you look at the clock when Auburn came in that night?—Because I thought the evening had gone quickly and I had not his pies getting hot.

You were on duty on the Friday night until Miss Johnson came back?—Yes. On the Saturday night Miss Johnson was on duty. We first heard of the O'Neil murder on the Saturday evening. I can say definitely that the evening on which "George" was in last was that Friday evening. He has never been in since.

Did anybody speak to you on the Sunday regarding "George"?—On the Sunday morning Miss Johnson said to me, "George Auburn didn't come in last night," and I said, "That's strange."

Did that state of affairs, as to his not coming in, continue after that?—Yes, all the next week. Remarks were made about it. Once or twice I said to Miss Johnson that perhaps he didn't come in because he was offended, because the pies had not been ready for him on the Friday night.

From the time you took over the shop, on March 5 up to the Saturday when he did not come in, had he ever missed coming into the shop in the evening?—Not when I was on duty.

Have you any doubt whatever in your mind that it was on that Friday, April 4, he was in last?—I have no doubt.

A CATERER'S STORY.

Edison Richard Banks, caterer of the firm of Banks and Parsons, York-street.

Mr. Lawley, examined by Mr. Lavan, said he remembered the night of April 4. On that night he had a catering job at St. George's Hall, which finished at midnight. He left the hall by his motor car, accompanied by his partner, Mr. Parsons, a member of the firm's staff, and a friend. From the hall the car proceeded up Hay-street as far as Axon-street, Subiaco. There he turned to the right, and proceeded up

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AXON-street across the railway bridge. Just over the bridge he dropped one of his passengers. After that he went down Railway-parade as far as Leederville station, and then turned to the right, going along Kimberley-street, Leederville. From there he went down Vincent-street. In Vincent-street, just around the corner from Kimberley-street; he dropped his partner. That left one passenger in the car beside himself driving. Vincent-street crosses Oxford-street, Leederville. Just by the lake he dropped his last passenger. Thence he proceeded along Vincent-street down to Bulwer-street. (The witness marked his route on a plan of Perth).

NO CAR IN VINCENT-STREET.

While proceeding along Vincent-street, after passing Oxford-street, witness drove at about fifteen to twenty miles an hour, and across Oxford-street about 15 miles an hour. His headlights were in use. Vincent-street is a narrow road.

His Honor: What do you mean by narrow.

Witness: There is sand on each side. Continuing, he said the time would be about 12.20 a.m. when when he crossed Oxford-street. There was no motor car in Vincent-street. When he first heard of the murder it was Saturday night, April 5, and in discussion of it it was remarked what a queer coincidence it was to have passed along Vincent-street and not seen the car. Witness made the report to the detective office some time after the murder. This was after the inquest and before he saw Mr. Lavan. He noticed Mr. Lavan's advertisement in the newspaper. He was not acquainted with Auburn.

Mr. Parker: When did you see Mr. Lavan?—I don't exactly know.

Have you no idea of the date?—That I cannot say.

Can you say within a week?—I will not swear to any date. The detectives have the date; also Mr. Lavan.

You cannot say within a fortnight?—No.

Can you say within a month from now?—I am not saying any date.

Did you often drive around that way and take your partner home?—After every job.

You frequently drove around Vincent-street?—Not much before the murder.

Did you at all before the murder?—Yes, on one or two occasions.

Did you make a statement in writing to Mr. Lavan?—Yes, but I do not remember the date.

When did you first see the detectives?—Before Mr. Lavan's advertisement appeared.

Before the detectives had time to see you, you had communicated with Mr. Lavan?—I did not see him until after the detectives had seen me.

Detectives Purdue and Doyle interviewed you at the Mechanics' Institute?—Yes.

You told them you had driven along Vincent-street about midnight on April 4?—I told them the date and the time.

The detectives cross-examined you as to whether you had passed a car on the way and not noticed it?—Yes, but one could not pass a vehicle at that time of night without seeing it.

Could you have passed any car that night and not remembered doing so?—One must remember it at that hour of the morning, because the roads are so clear. When we read the paper on Saturday evening we would remember all the cars we had passed that night.

Can you say how many cars you passed in Hay-street that night?—Oh, no.

How many cars did you pass in Axon-street?—None.

Do you swear positively there was no car parked under a tree in that street that night?—I do.

What were you doing in the car?—Driving.

What is the make of it?—A light model Overland. I have had it 18 months.

"IT WAS A FORD."

How many stationary cars did you see in Hay-street while driving home that night?—I can't say.

Will you swear there was no car in Kimberley-street that night?—There was one. I think it was a Ford. I took notice of it.

If you took notice of it, why do you say you think it was a Ford?—It was a Ford.

What color was it?—A dark brown.

Was the hood up or down?—Up.

Were the lights on or off?—Off.

Which way was the car facing?—North.

On which side of the road was it?—The right hand side.

Therefore on its wrong side?—Yes.

Was it on the road, or in the sand?—In the sand off the road.

Can you show us on the map whereabouts it was?—It was on the hill past the fire station.

Any lamps there?—I saw the car by my lights.

Was the night moonlight or dull?—Medium.

Was there any moon?—Slightly, I think. I cannot remember. The roads were fairly dark.

And yet you asked the jury to believe that you can tell the color of a car to be dark brown?—Yes, I could, when my lights were on it.

Were there any cars in Railway-parade?—Just before I turned into Kimberley-street a car was coming down towards us.

Then you saw two cars that night after leaving Hay-street?—Yes. That car was in motion going down the hill.

During the whole of the trip after leaving Hay-street, how many cars did you see until you got home?—I cannot say. I was not counting the cars I was passing.

Of course you were not. Furthermore, you were talking to Mr. Shilkey on the trip?—Yes.

Can you tell me where you were talking to him, and where you were not talking to him?—No.

Were you talking to him much in Vincent-street?—No.

And were you talking to him much in Hay-street?—No.

Might you not have been talking to him all the way down Vincent-street?—That would be impossible. I could not talk to him all that time.

Are you so empty-headed that you cannot find anything to talk about for that distance?—Not when I had my eyes on the driving wheel.

NOT LOOKING FOR CARS.

Do you remember telling the detectives that reading the paper brought this matter back to your mind, but that on the other hand you had no occasion to notice this or any other car? You had, in fact, no occasion?—No, we were not looking for cars.

You were of opinion that you had noticed a Ford car in another street. Now you definitely fix the color, spot, direction, and everything else about the car. Do you remember its number?—No.

His Honor: The witness has not said that he made that statement to the police.

Mr. Parker (to witness): You did tell the police that on reading the paper these things were brought back to your mind, or do you suggest that the murder was brought back to your mind when you read about it in the paper?—What was brought back to my mind was the journey home, and that in Vincent-street I noticed no car. That was brought back to me on the Saturday night, April 5.

At what time did you see the paper that night?—Just after 7.

You said to the detectives: "We first heard of the murder on Saturday evening, and got hold of a paper and looked at it." Who is "We"?—There were several of us at the hall at the time. Mr. Shilkey was one.

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NO MENTION OF VINCENT-STREET.

Will you show me where the paper, which I will hand to you, says anything about Vincent-street. Just read through the account in the paper. (Witness did as requested).—But is this all the paper.

I will get you all the advertisements as well presently, but is that the article you referred to?—Yes.

If the article did not mention Vincent-street, how was your memory refreshed regarding that street?—The murder refreshed my memory.

Would Vincent-street impress you any more than Railway-parade, or Axon-street or Walcott-street?—No.

You told the detectives that you were of opinion that you had noticed a Ford car somewhere else, in another street, which you could not place?—You see lots of cars in the street.

His Honor: Did you or did you not tell the detectives that?

Witness: I did.

Mr. Parker: And did you tell the detectives that you could not place the car?—I could not remember whether the Ford car was in motion.

Then you went on to say that you could not remember what cars you passed?—Yes.

Did you tell the detectives that you had no recollection of seeing any other car anywhere that night, although it is a common practice for owners to leave cars in the street at night?—I don't remember that.

Take the first portion, as to having no recollection of seeing any other car anywhere that night. Did you tell the detectives that?—That night was a long night.

MIXED UP.

His Honor: Answer the question. Did you tell the detectives that or not?—I think I had got rather mixed up.

The question is very simple, and you must answer it one way or the other.—I did not put it that way.

Mr. Parker: Well, did you say anything like that?—Going home that night I saw no other car.

Did you say, going home that night, "I have no recollection of seeing any other car anywhere"?—Yes, I told the detectives that. I mentioned one car at a standstill and one in motion.

You did not tell them it was in Kimberley-street. You said you saw a Ford you could not place?—I may have mentioned that.

When did you recollect it was Kimberley-street?—Since then. I have a recollection now, it was Kimberley-street.

Tell me when you had seen a car at a standstill without the lights on after midnight?—In what street?

When did you recollect to tell any one it was in Kimberley-street you saw a car?—After my interview with the detectives.

Before or after the interview with Mr. Lavan?—After. I mentioned to him something about a Ford car.

Do you remember the time of day the detectives saw you?—10.45.

And I think you told them about Mr. Shilkin being with you, and that he worked at Boans. They said they would go down and see him there, and you advised him not to as Boans objected to their employes being interviewed in the shop?—I did mention that.

As the result, you went out and saw Mr. Shilkin?—He was phoned.

You telephoned him. How long after they left you?—About 12 o'clock.

And as a result of that message, where did you and he go?—He met me in Mr. Lavan's office.

Was it as a result of that message that you and Shilkin agreed to go there?—No; I went to Mr. Lavan first.

As soon as the detectives left you?—The appointment was made before the detectives saw.

At what time?—11.15.

Did you see him at 11.15?—No.

When did you arrange for Shilkin to go along and see him?—About 12.

You did not keep that appointment?—I was with the detectives until 11.45.

So the detectives had no chance of seeing you before you arranged an appointment with Mr. Lavan?—The detectives said they would go and see Shilkin.

Did you tell Mr. Lavan the detectives were interviewing Shilkin?—No.

Did you tell the detectives you had an appointment with Mr. Lavan?—I may have mentioned it.

Will you swear you did?—I won't swear it.

Mr. Parker said he had got a copy of "The Daily News" of Saturday night, April 5, and he learned the finding of the car in Vincent-street was mentioned in that issue.

To Witness: Are you still prepared to swear positively that there was no stationary car along the route you took that night from the time you left Hay-street, except the Ford car?—Yes.

Will you tell me then the next occasion you had Shilkin out with you, and you did pass any stationary cars?—We may have passed them, I did not take that much notice.

Have you ever on other occasions taken notice of any car or cars you have passed?—Generally if we see a car at a standstill we notice it.

Re-examined by Mr. Lavan, the witness said there would be no truth in a suggestion that witness stopped the detectives from seeing Shilkin. He had no interest in the case whatever. When he rang Mr. Lavan's office the telephone was answered by a woman's voice, Mr. Lavan being out. He saw the detectives first, and rang up Shilkin at Mr. Lavan's request. Vincent-street was about wide enough for two cars to pass.

Mr. Lavan: If there had been an abandoned car in Vincent-street that night facing towards Oxford-street and standing two feet on the road could you have failed to notice it?—I could not have missed it.

Before you gave the detectives a statement you had been to their office prior to coming to mine?—Yes.

THE SOFT DRINKS SHOP.

Henrietta Johnson, 165 Beaufort-street, and carrying on business with Mrs. Luyer at the corner of Newcastle and Beaufort streets, was examined by Mr. Lavan. She said she had known Auburn since the beginning of March, and had been introduced to him on the night of March 3. She had taken over the business on March 5, and since then Auburn had been a customer of the shop. Up to the night of April 4 he always went to the shop between 11 and 11.30 p.m., and had come in every night. He had a standing order for two pies and a bottle of lime fruit and soda. The pies were heated for him after 11 p.m. On the night of April 4 he came in at 10 o'clock just after witness had returned from visiting a friend. He took two pies, but they were cold, because he was so early. Mrs. Luyer had said to him, "You are early to-night, George," and she had looked at the clock. It was ten minutes past 10 by the clock, which was a few minutes past 10 by the clock which was a few minutes fast. Witness has asked Auburn why he was early, but he did not answer. She did not think he heard her. He remained in the shop until Mrs. Luyer had given him his parcel and then left.

NO DOUBT AT ALL.

Mr. Lavan (to witness): Have you any doubt that Auburn was in your shop on April 4 at the time mentioned?—No. He

has not been there since. I thought it strange on the following night that he did not come in, and mentioned it to Mrs. Luyer on the Sunday morning.

Had Auburn an overcoat with him when he went to your shop on the Friday night?—He had none. He was dressed in a navy blue suit.

When did you first hear of the murder?

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—From a police constable who came in to the shop at about 2 o'clock Saturday afternoon.

When did you first make a statement about this matter?—To you on May 15.

Have you any personal interest in Auburn except as a customer?—None whatever.

Witness was cross-examined by Mr. Haynes.

You read the report of Mrs. Luyer's evidence given in the papers?—Yes.

Were you able to fix the date as May 15 before reading the paper?—Yes.

You had discussed the murder with your sister, Mrs. Luyer?—Yes.

You had also discussed with her the dates when you made your statements, and the dates when the accused came in, and so forth?—Yes.

Although you had discussed the dates of making the statements with her, she was yesterday unable to fix the date closer than 27 days off the actual date. Your memory is better?—I remember very well indeed the date, May 15, when I went in to see Mr. Lavan.

You had no doubt at all about the date?—No.

A number of lads congregate in your establishment in the evening?—Sometimes.

Usually a number of lads whom Auburn knew used to sit down in your shop towards 11 p.m. and have a chat and drink lemonade?—He mak have known them.

You have seen him talk to them?—Sometimes.

The lads used to sit down there and chat for about half an hour?—I could not say how long.

He has been there frequently chatting with them?—He has not chatted with them very often when I have been there.

He would know that they would probably be in there every night?—I don't know whether he knew it or not.

Auburn usually came in at 11?—At 11 or half-past.

Would he not see the lads there frequently? I don't mean every night?—I dare say he would see them sometimes.

I presume you have had a talk with your sister, Mrs. Luyer, since yesterday?—Not on this case. We were ordered not to discuss the case.

AFTER AUBURN'S ARREST.

I suppose you saw the full report of the evidence in last night's copy of "The Daily News," the whole thing, question and answer?—I saw it.

So I suppose you know what was coming to-day?—I knew what my sister had gone through. (Laughter.) I didn't know whether I would get the same questions.

When did you first realise the importance of your evidence?—After George was arrested.

As soon as he was arrested?—Yes.

Immediately you saw in the paper that he was arrested, you realised that your evidence would establish an alibi. You saw the notice of his arrest?—Yes.

When you read that notice, did you realise that your evidence was highly important?—More so after the inquest.

You realised that you could establish an alibi?—Yes.

And that your evidence would prove conclusively that Auburn had not committed the murder?—My evidence would prove that he was in our shop about 10 o'clock.

And that would establish that he could not have committed the murder?—I really don't know what time the murder was committed. (Laughter.)

Having seen the paper, you know no one could have murdered him before 10?—I suppose so.

That brought it home to you?—Yes, I read it over.

A pity it was published, that's all. How did it strike you it was important after the inquest?—After the first announcement I thought the murder was committed late at night.

MURDERS LATE AT NIGHT.

Why did you think so?—Oh, I just thought.

From what you saw in the paper?—I thought most murders were committed late at night.

Was not 10 late enough?—I didn't think so. (Laughter.)

Did you have a standard time for murders?—It was just that I had not heard of murders committed about 8 or 9.

Well, why not at 10?—It could have been.

Mr. Haynes to the witness (Jounston): You have told me you gained the impression, when you read it in the paper, that your evidence would establish an alibi?—Yes, and after the inquest more so.

Look at the paper and tell me how you think it would. Is there anything there to establish that impression?—Well, no.

You have got a mistaken impression as to your memory at that time. It could not have created that impression at that time?—What impression.

The impression that your evidence would amount to an alibi?—Well, no, not just this little bit.

Why didn't you communicate with the detectives or with legal advisers?—I did not like to be brought into the case.

Both of you were of that opinion?—I was always against it.

Is that why you came last?—Possibly. (Laughter.)

Were you afraid to ring up Auburn's parents and tell them?—I did not know until I read the evidence at the inquest that he said he had been in the shop that night.

Was there anyone there when he came in?—One person.

I suppose that was in the paper this morning?—I knew it.

Did no one come to see you or Mrs. Luyer on Auburn's behalf before the statement was taken?—No.

Did the article say when Auburn was arrested?—He was arrested on the 16th.

Was that in the paper to-day?—Yes, it was.

It would be difficult to catch you on any of these dates, if you were not sure before your memory would be brightened by reading the paper?—I was not in doubt.

Your memory would be more clear on the points on the day after Auburn's arrest than on May 13?—I suppose so.

How do you know Mrs. Luyer looked at the clock when Auburn entered the shop on the Friday night?—I was standing in front of it and was looking at her, looking at it. (Laughter.) It is always a little fast.

Do you never put it back to the right time?—Oh, no, we always keep it a little fast.

How long does it take to heat pies?—About three minutes.

As Auburn did not go to your shop after April 4 he must have transferred his custom elsewhere?—It looked like it.

The Court adjourned for lunch.

AT BANNON'S.

On resuming, Mr. Haynes asked: Where were you out visiting on the Friday night?—At Mrs. Bannon's place. She is the wife of Constable Bannon. About that time I often used to go there; perhaps three or four times a week on an average.

How do you know that that night of April 4 was the particular night on which Auburn came in early?—Because it is the only night he did come in early.

But, since you visited Bannon's three or four times a week, how do you fix that Friday as being the Friday on which he came in early?—That is the only night he came in early when I came from Bannon's.

Your impression comes to this, that he came in early on only one night, and that that was a night you visited Bannon's?—Yes.

But how does that fix it for the particular night of the week, Friday, if you went

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three or four times a week to Bannon's?

—I remember April 4 too well.
Why too well?—Because that was the only night Auburn came in early that I visited Bannon's.

Why not Thursday night, Wednesday night, Tuesday night, or Monday night, when you visited Bannon's?—He did not come in early those other nights.

But what definitely fixes it as being the Friday?—That is the only night I came from Bannon's early.

There was only one night, but do you remember that it was Friday, and not Thursday?—I was not at Bannons on the Thursday.

Well, Wednesday?—I know it was the Friday.

Were you at Bannons on the Wednesday?—It might have been a Wednesday afternoon, and not a Wednesday night.

How was Auburn's parcel wrapped up on April 4?—Just in the usual way. The bottle was crapped in a piece of newspaper and the pies were put in a brown-paper bag.

Did you notice that?—I saw Mrs. Luyer hand him a parcel over the counter.

Did you see her put the pies in the bag?—I don't know.

Where did he put them? (Laughter.) I mean immediately, not ultimately?—He took one in his hand and the bottle under his arm.

Which arm?—That I could not remember.

Did he always take the bottle under his arm?—Generally he just put it under his arm.

How many times did he come in on Saturday nights before April 4?—I don't remember him missing any Saturday night.

Well, how many Thursday nights did he miss before April 4?—We don't remember him missing one night up to April 4.

"We" don't?—Well, I don't.

You said "we." Do you remember reading this morning's paper where Mrs. Luyer said she did not remember how many Saturdays or Friday nights he missed, or how many Tuesdays, Wednesdays, or Thursdays?—Yes.

Mr. Lavan objected that Mr. Haynes had not asked Mrs. Luyer that question. Mr. Haynes might have thought he asked that question, but in point of fact had not done so. Mrs. Luyer said that Auburn was in every night that she was on duty. If necessary, Mrs. Luyer could be recalled on that point.

Mr. Haynes: You don't know how many Saturday nights he missed, because you were not always there?—That is so.

Would the other lady be on duty every night?—Certainly not!

All right; I only wanted to know. (Laughter.) Did you and she take alternate nights?—Yes.

And sometimes you were there together?—Only on a very busy night.

Did you see in the paper where Mrs. Luyer said that immediately after you came in on that Friday night Auburn came in?—Yes. That is correct.

Correct?—Not immediately, but just a few minutes after I came in.

If Auburn said to the police in his statement shortly before his arrest that he got to your shop at 10.15 or 10.25—

Mr. Lavan objected that this was not said.

Mr. Haynes: I am not trying to mislead the witness. (To witness): If he said he came out of the theatre between 10.15 and 10.25, he would take about seven minutes to get to your shop?—Yes.

If he told the police that it is practically the same thing as saying he got to your shop between 10.20 and 10.30?—He did not, though.

If he said that he came out at those times, and now that he went up to your shop, would you be prepared to contradict him?—Yes.

Is he wrong?—He must be.
You pit your memory against his?—Yes.

Don't you think it strange that if he had come into your shop that night that he would forget it?—It surprises me.

ANOTHER CALLER.

Do you know Mr. Roberts?—Yes, he came into the shop very often.

Do you know he was in the East for some time?—Not until he told me.

Do you remember him coming in on the Wednesday after the murder, and saying he was just back from the East?—I don't remember him telling me that until last Saturday.

Do you remember that day saying to him, "What do you think of the murder?" and he replied, "I know no more about it than what I saw in the papers in the East?"—I don't remember speaking to him on the Wednesday night.

Can you recall him entering the shop on Friday after the arrest, or a day or two after it?—No, I don't; he comes in so often.

Do you remember him saying, "I see there has been an arrest in the murder case," and you replying, "Yes, we know that boy well if it is the one I think it is"?—No.

Nor words to that effect?—No; I never remember speaking to the man about it.

Did you say to him something to this effect, that Auburn never missed coming in to the shop, but it was funny the night of the murder was the first night he had missed for a long time?—No, I did not say it.

You remember the report of Mr. Lavan's opening address appearing in last Thursday's issue of "The Daily News" and Friday's "West Australian"?—Yes.

Did Roberts call the day after that, and did he say, "I see by the paper you say that Auburn called here that night"?—Last Saturday afternoon he spoke to me, and said, "I thought you gave me to understand that April 4 was the first night Auburn missed coming in here."

What did you reply?—I told him he was mistaken. I did not converse with him, and that it must have been Mrs. Luyer.

What else?—He said it may have been her, he was not too sure.

Did Roberts say anything more?—He said he was not sure which of us it was.

Why did you tell Roberts it must have been Mrs. Luyer he saw?—Because I did not remember having had a conversation with him before last Saturday. I told him then he must have been mistaken whenever he spoke to.

TWO MORE.

I will now call in Mr. Duperuzel. Have you ever had a conversation with him?—(Looking him up and down): I do not think I have ever set eyes on him before. (Laughter.)

I will now call in Mr. Robt. Williams. Do you know him?—I know him very well.

Did you know he was a police recruit?—Yes, he often came in to the shop.

Do you remember saying to him that you were not present when Auburn came in to the shop on the night of the murder?—I did not say such a thing.

And that you had asked Mrs. Luyer if he had been in and that she said he had come in earlier than usual?—I did not converse about the night before with Williams. He often asked me about it, but I did not answer him. He has frequently questioned me about the 4th of April, but I told him I refused to answer him.

His Honor: Did he use the words "the night of the 4th of April"?—He has often spoken of the murder, but I did not discuss it much with him at any time.

You said you did not discuss it at all with him. Did he use those words?—He has mentioned them to me, and I have discussed the murder with him, but I did not talk about Auburn being in the shop that night.

Mr. Haynes: You had many conversations with him on the subject?—Very

short ones, but he always brought up the subject first. It seemed peculiar to me that he should always mention it when he could get no satisfaction from me.

Would not that be his curiosity?—I do not know.

What was the reason for your refusal to discuss the matter with him?—Well, I knew he was a recruit or something to do with the police, and I was told the first time I saw him not to trust him; he was pointed out to me. (Laughter.)

Was that before Auburn's arrest?—Yes; it was the very first time he came into the place.

Although you can't trust him, you talked to him for half an hour?—Quite correct.

If he said specifically that you said you were not in the shop when Auburn came in that Friday night, it would be a deliberate fabrication?—Yes, it would.

Undoubted perjury?—As I have told you, I have never—

It would be an absolute fabrication; it could not be a misunderstanding, could it?—Well, I don't know.

Could it be a misunderstanding if you never discussed that with him?—Well, one wouldn't think so.

Therefore it would be an absolute fabrication. Did you see where Auburn took his money from that night?—No; I never saw where he took his money from.

Did you see where he took his money from any night?—I did not take much notice of that. He always had his money ready to pay me when I handed him his parcels.

Did you notice where he put his change?—I very rarely gave him change. He nearly always gave me a shilling and a penny.

CALL MR. MURPHY.

Mr. Haynes: Call in Mr. Murphy. (Mr. "Dryblower" Murphy entered the Court spruce, and broadly smiling, to the accompaniment of some laughter.) Have you ever seen that gentleman before?—Yes. (Laughter.)

Mr. Haynes: That will do, Mr. Murphy; you can leave the Court. (To the witness): You were curious to know who he was when he came in, weren't you?—I knew him as "Dryblower," not as "Mr. Murphy." (Prolonged laughter.)

Did he come in three or four times a week to use the telephone?—He used often to come in. I would not say how often.

He lives just around the corner. Do you remember his coming in the day after Auburn's arrest?—I cannot say I do.

Well, do you remember his calling in one day shortly after the arrest and the two of you holding a conversation with him as to the murder?—Not the two of us together. I remember two distinct conversations with him.

About the murder?—Not altogether about the murder. The murder was mentioned in one conversation.

His Honor: In only one?—Yes, because the other conversation was with another person.

Mr. Haynes: Do you remember your saying to him, "Fancy that being young Auburn in the murder. Do you know him?"—Yes, I think I remember saying that; it was on a Sunday morning.

Did he reply "Not that I know of, but I used to see him when he was a kiddie, because I used to live near his parents' hotel, the Tower Hotel?—I think he said that.

Did Murphy then say "What sort of a chap is he; what does he look like?" and then did you say: "Oh, a nice quiet, well-dressed and well-behaved young chap, so nicely spoken; used to sit here of a night and have a drink?—I did say that on the Sunday morning.

Did you also say, "He used to meet here a lot of young chaps of a night, and chat with them, and then go home on the tram"?—I don't remember that.

It is immaterial, but it is true. Then did Murphy ask you what Auburn would be doing up there, and did you say "He brings his young lady home from town and then comes back here and catches his car here?"

or words to that effect?—I may have used those words; I don't remember using them.

Did Murphy then say to you, "Have you seen him lately?" and did you reply, "Oh, not for a long time"?—No, I did not. (This answer was spoken very emphatically.)

It would not be true for you to say it; then?—I did not say it.

I am putting it to you that you would not have said it.

Mr. Lavan: I object. The witness says she did not say it.

His Honor: I should say if she did say it what would it matter? (Laughter.)

But if you said it?—If I did it would be incorrect, but I did not see it.

Since Murphy came in on the 17th, would you have said it was a long time?—It was not a long time, no.

What was the reason you did not want to be dragged into it?—Dragged into what?

About this affair; you knew Purdne, knew him at Cue?—Yes, I got to know him there.

And conversed with him?—Up there, but I have not spoken to him since.

Why were you afraid of letting him know?—I did not see any reason to.

Do you mean that?—Yes.

Why?—He was the man who interviewed Auburn and naturally I thought Auburn would have told him.

But when you saw the inquest was finished you still did not go to anybody, defence or prosecution?—No, I did not.

The inquest closed on May 8. You say you saw the evidence, therefore you must have known he did not mention being at your shop, but you did not go to the your shop, but you did not go to the it.

Would you have stayed out to the bitter end if Mrs. Luyer had not come in?—I cannot say whether I would or not.

It is possible?—Yes.

Although you are convinced he is innocent?—I am not sure whether I would have come forward.

Although your evidence would prove his innocence, if correct?—Yes.

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Miss Jennetta Johnson, partner of Mrs. Effie Luyer in the meat-pie and soft-drink shop situated at the corner of Beaufort and Newcastle streets, was firm in her conviction that George Auburn (the accused) called at their shop at 10 p.m. on April 4. Yesterday afternoon in the Criminal Court, while giving evidence in the "O'Neil murder case," she corroborated the statements made by Mrs. Luyer on this point. She was subjected to cross-examination by Mr. A. G. Haynes.

Mr. Haynes: Did you tell anyone that Auburn was not in the shop on the night of the murder?—No. That would be untrue.

Do you know what time it was alleged the murder had been committed?—No, and I do not know now.

If Auburn said half a dozen times he was not in your shop at 10 o'clock what would you say?—He would be telling a lie.

EAST PERTH PICTURES.

Herbert McCrae, film manager for Universal Films, was then called.

Mr. Lavan: Do you supply films to the East Perth Picture Gardens?—I select the pictures for them, and they are paid for through me.

I now want to know what pictures were shown at East Perth on the night of April 4.

Mr. Parker: How could he say what they were if he was not there?

Mr. Lavan: He can say what pictures he selected for the night.

His Honor: I do not see how you can drag in the East Perth Picture Gardens.

Mr. Lavan: You cannot see yet, but if you will be patient, sir, I will show you.

His Honor: I cannot see, unless you open the evidence of this witness. You have not "carte blanche" to call everyone to deal with every topic you like.

Mr. Lavan: There are certain witnesses whose evidence I did not refer to in my opening address, because I did not know I should be calling them. I did tell the jury that I should be calling Cecil White to say that he was at the East Perth Pictures that night.

Mr. Parker: We do not know yet what pictures were shown there.

Mr. Lavan: I ask your Honor to be patient with me, inasmuch as you can tell the jury to disregard the evidence if you think it of no value.

His Honor: I cannot see any connection between the selection of pictures for the East Perth Gardens and what may have been shown there.

Mr. Lavan: I will do so if you will give me time.

Mr. Lavan (to witness): What pictures did you select for the East Perth Gardens on that night?

Mr. Parker: I object. This is all irrelevant matter.

At what time does the performance usually start?—Between 8 and 8.5; never later than five minutes past 8.

His Honor: How would you gauge the length of time required to show, for instance, "Potash and Perlmutter"?—The time required is 10½ minutes for each 1,000ft.

After argument between counsel as to the admissibility of evidence regarding pictures and times of screening, his Honor remarked: Let us get on.

Mr. Lavan (to witness): You were not present when the pictures were shown?—No.

Mr. Parker: Then you do not know whether they were shown?—Yes, I do. They were delivered by me on a Friday night, and returned to me on the Saturday morning.

CAR NO. 3481.

Chas. James Albert Allen, a motor-cycle taxi-driver, said that 12.45 a.m. on April 5 he was in Roe-street waiting for a passenger.

He noticed a motor car standing at the end of the street, and on its proper side of the road. The lights were in use. The

number of the car was 3481. He could not see anyone in the car, and did not go over to it.

Mr. Haynes: You have seen that car before?—I would not say for certain.

You saw the police on the day following the murder?—I never.

Didn't you see Constable or Detective Hickson?—No, I don't know him.

Constable Hickson was called, whereupon witness said, "I know him now. He was not in uniform then. I see a lot of them on my job, but I don't know their names."

Mr. Haynes: Was the car outside 226 Roe-street?—Yes.

Did you say something to Constable Hickson to the effect that you were not sure whether it was No. 3481 or 3401?—I don't know; I never said that.

You do not know?—I never said that.

Mr. Lavan: He said he did not say it.

Mr. Haynes: Will you swear you did not say just now, "I do not know"?—I said "I never said that."

His Honor: Did you not say in this Court, when you were asked the question, "I do not know"?—No.

Mr. Haynes: How did the constable come to be in a position to ask you whether it was outside 226 Roe-street that you saw the car?—I suppose Mr. Lavan told you. I think one of the taxi-drivers reported it, if I am not mistaken.

Did you say anything to the constable about Hickson?—No.

Did you notice anything about the car that was in front of you?—Yes, the number. I also noticed that there were tyres on the back.

Can two tyres be hung on the back?—You see three hanging on the back sometimes.

A ROW.

Did you know anything about a row where somebody kicked a woman, and one of the woman's dogs, at one place, and a man tried to throttle a woman, and another ran out of the place?—No.

You did not say anything about that?—No.

How many passengers did you have there?—Two.

And how long were you there?—I waited between a quarter of an hour and 20 minutes.

Then the passengers came back again?—No, they dismissed me then.

They told you to go?—They came out on the verandah and told me to go.

How far were you from this car?—A matter of about from here (the witness-box) to that gentleman (indicating His Honor's Associate).

Your lights were playing on the back of the car?—Yes.

But you could not see how many tyres there were?—I saw two. One was hanging below the other.

When did you first give a statement?—I never gave a statement to anyone. The first statement I gave was when I was sent for by Mr. Lavan.

AFTER TWO AND A-HALF MONTHS.

When were you sent for?—Last Sunday.

Three days ago, after a lapse of two and a-half months. Did you have that number down anywhere?—No, but I had

(witness paused).

Put you had what?—I had a lot chipping me about it.

But you never noted the number down?—No.

And you will swear definitely that you did not tell Constable Hickson or anyone else that the number might have been 3481 and that it might have been some other number?—I never said that.

You will swear that you never discussed the matter with any constable?—As I told you before, not to my knowledge.

Could you have discussed it with a policeman and forgotten about it?—I might have.

If you might have forgotten that, might you not have mistaken the number?—No.

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If you don't know what you spoke to the policeman about, would you be prepared to contradict him, as to his version of the interview?—Yes, I would.
I thought you forget whether you talked to him or not?—Yes, I know the number, but I don't know whether I spoke to the constable.

A TAXI-DRIVER AND A BARBER.

You know the history of this case as it appeared in the Press from time to time?—Yes, but I don't worry much about—

Is it not a fact that a taxi-driver and a barber can tell you all the latest news?—Generally.

They have lots of time on their hands, haven't they?—Yes.

Weren't you conversant with the evidence against the accused?—I knew it.

When did you first realise the importance of your evidence, that you saw car 3481 in Roe-street?—On Sunday morning or Sunday afternoon.

And why was it that you first realised it then?—I was sent for.

When you were sent for?—I did not want to be dragged into this case; that's why.

Although perhaps your evidence would help to establish this man's innocence, if true?—Yes, I didn't want to be pulled into it.

You would not come into it, although you realised that?—I was not coming in unless I was dragged into it.

If you wanted to keep out of it you could have; who sent for you?—Mr. Walsh.

Were you bound to come in?—He asked me what I knew, and I told him. I did not know whether I was to be called. I was handed a paper, and was told I would have to appear.

You knew you would have to be a witness?—I didn't.

Although you knew your evidence was in his favor, you did not know you were going to be called?—No.

Did you not tell a policeman or someone else to go to someone else to corroborate your statement?—No.

Did Auburn put it to you to go to Sydney and start a garage?—No. I mistook the man who was speaking to me months before.

Were there two men?—The man I was speaking of took me to the Bedford Hotel and talked about it.

Are you Charles Alfred Allen?—I am Charles Alfred James Allen.

You have No. 2 motor-cycle taxi?—Yes, but Hickson, the policeman, may have mixed me up with one of the other drivers.

There is no chance of a mistake. Whom did you tell you were approached by Auburn?—I told my brother-in-law.

Did you tell the policeman?—Not to my knowledge.

Is your memory bad?—No.

But you were able to remember the number of the car for two months?—Yes. I also saw it in the paper on the Monday night.

Is that the first time you saw it?—Yes, in print.

You can carry a number like that in your head?—Yes. I did not know whose car it was.

Did you pass the car?—Yes, about five minutes past 1. To all appearances, it was empty. I glanced in and saw no one.

The Court adjourned at 4 p.m.

TO-DAY'S PROCEEDINGS.

When the Court resumed this morning, Mr. A. G. Haynes (for the prosecution) continued his cross-examination of the motor cycle taxi-driver, Charles James Allen.

EVIDENCE OF REBUTTAL.

His Honor said he had been asked yesterday whether he would listen to an application to allow evidence of rebuttal. He

had listened to an application in Chambers, and had decided that it could not be taken unless the accused was present. He was prepared, however, to take it in Court when the jury was not present. He thought the best time would be when the defence had finished.

Mr. Parker produced the waistcoat of Auburn's which had the hole in the pocket.

CAR IN ROE-STREET.

Mr. Haynes: Call in Constable Parker. (Constable Parker came in.)

You know him?—Yes. I knew him in Blackboy Camp.

Do you remember his calling on you on the Monday morning following the murder?—No.

He asked you if you had seen car No. 3481 in Roe-street early on Saturday morning?—I do not remember that.

Have you a relative who owns a car No. 3081?—No.

Who was your passenger that night?—I cannot tell you.

Has he a car of that number?—I do not know.

Did you tell the constable you were certain there was an 81 at the end and a 3 at the beginning, but you were not certain about the "0" in the middle?—I never said that.

Do you deny saying that as it finished with 81 and had a "3" at the beginning, you were pretty certain it was O'Neil's car?—Yes.

Did you tell him you had previously reported the same matter to one of the police?—No.

Did you tell him anything about an argument in one of the houses in Roe-street?—No.

On Monday last, did you meet Mr. Parker before 9 a.m., and some in with him in the tram?—I walked along the road with him.

You told him you had an appointment with Mr. Lavan?—Yes.

Did you tell him you thought you would remember Auburn again?—No.

When did you find out it was not Auburn who spoke to you about going East?—From my brother. It was a case of mistaken identity. I do not know Auburn.

Did you go to see the supposed person's father?—Yes, at the Bedford Hotel.

You know Constable Hickson?—Yes.

You remember seeing him once at 1.15 to 1.30 a.m. on the Economic corner?—No.

Do you remember seeing him at 8.40 p.m. on Saturday, April 5, at the Economic corner?—I don't remember.

Do you remember telling him that on the previous night you had been in Roe-street at 12.20 to 12.25 a.m. with a young chap whose name you gave?—No.

Did you not know the name of the man who hired your car?—No.

Did you say to Hickson that you saw a car outside No. 226 Roe-street at 12.20

to 12.25 a.m. which you thought was 3481 or 3081?—No.

Did you tell him that you would know who were the men in the car?—No.

A ROW IN ROE-STREET.

Did you say you would know them because one of them kicked "Auntie's" dog and she remonstrated, and one of them grabbed her by the throat and tried to throttle her?—No.

You told neither him nor Constable Parker anything at all about that?—No, not then.

What do you mean by "not then"?—Saturday, April 5.

Well, what day did you make use of those expressions?—I didn't make use of them.

Did those happenings take place?—No.

How do you know they didn't?—Because I never said those things.

Did those things take place in Roe-street?—I don't get what you mean.

Did two men have a row about kicking a dog?—I know nothing about that. There was no row in Roe-street while I was there.

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Didn't you see two men come out of that house in Roe-street and ride away on bicycles?—No.

What was the color of the car in Roe-street?—I didn't notice.

Do you know that car 3081 is a white car?—I do not.

Who is the owner of this white car?—I do not know.

WITNESS COLOR BLIND.

Do you know the number of O'Neil's car?—No; nor the color. I am color blind.

You told us the reason you didn't know the color of the car was because you didn't look at it much?—I have perfect vision, but I am color blind. (Laughter.)

Do you know the difference between a dark grey and a white car?—I might. I would know whether it was dark or light.

Do you know Cliff Lloyd, an indent agent?—No.

A few days following the murder did you say to Lloyd that between 11 and 11.30 you saw a car in Roe-street?—No. I never had any conversation with him, and did not say that.

Did you not say to him or anyone else that you thought it was a car belonging to a relative of yours or your passenger's?—No.

Didn't you say you looked at it and recognised it as the Buick Six belonging to O'Neil?—No.

It would have been all moonshine for you to have said you recognised it as O'Neil's, because you didn't know his car?—Yes, it would be untruthful to say it was O'Neil's, because I didn't know the car or the number.

When did you find out O'Neil's number?—On the Monday, April 7.

You did not know O'Neil's number before Monday?—No. I remember looking it up either in the police book or the newspaper. I think it was in the paper.

You can't have discussed it with motor-men on the rank on Saturday that you thought it was 3481?—I discussed the murder, that was all.

Would you dispute Lloyd, Parkes and Hickson?—Yes.

For all you knew, there might have been someone in the car ahead of you when you pulled up in Roe-street?—I saw no one in it. I passed the car coming down and then going back.

Did you notice before stopping there was no one in the car?—Yes.

Why did you not get off your cycle and converse with the driver while you were waiting?—Because no one was in the car. It does not do to look around much down there. (Laughter.)

You were looking straight at the number of the other car for 20 minutes, and had nothing else to look at beside the tyres. Did you not notice that the tyres were tied on to the car anyhow?—No.

Have you made a note of the number of other cars?—Yes, often, in similar circumstances.

Do you follow that practice as a rule?—No.

RE-EXAMINATION.

Re-examined by Mr. Lavan, witness said the car opposite him that night was facing Beaufort-street. He did not get off his cycle all the time he was waiting outside the house in Roe-street. When he saw the number of the car in the paper he remembered where he had seen it on the Friday night. He had no doubt about the number. It was not a white car. He had given his statement to Mr. Walsh, solicitor, on Monday. He had no personal interest in the case, and had not come forward for any fee or award.

Mr. Lavan: Did you tell Constables Parker or Hickson you had any doubt about the number of the car?—No, and I did not tell them anything about any row in Roe-street.

The witness then retired.

NO CAR IN VINCENT-STREET.

Roy Shilkin, employed by Doyle Bros. for about four years, was examined by Mr.

Lavan, and said that on the night of April 4 he was with Mr. Banks at St. George's Hall, where Banks had a catering job. Witness left with Banks in the latter's car just on midnight. The other people in the car were Banks's partner and a member of the orchestra. The car proceeded from the hall along Hay-street as far as Axon-street, then turned to the right up Axon-street across the railway bridge, then to the left up Kimberley-street, then up Vincent-street. Before reaching Vincent-street they dropped the member of the orchestra on the Axon-street crossing, and Banks's partner in Kimberley-street. The car proceeded along Vincent-street to Bulwer-street, where witness's home was, and Banks dropped him. After dropping Banks's partner witness and Banks crossed Oxford-street, and then proceeded right along past the Leederville Reserve. From Oxford-street onward Vincent-street was a narrow street, just a ribbon of road. The time was between a quarter and half-past 12. He saw no stationary car at all in Vincent-street. He could swear that definitely. Banks's car had headlights that night.

Mr. Parker: Have you ever driven home with Mr. Banks on other occasions?—One or two. I don't remember the exact dates. One occasion was about the end of May last.

Who were in the car that night?—Myself, Banks, and three others. We took exactly the same route as on the night of April 4. The people in the car were not the same. The time was about 12.30 a.m., the same as on April 4.

How many cars did you see that night?—I don't remember seeing any, except in Hay-street.

Will you swear positively you never saw any cars after leaving Hay-street that night?—I will not. I was not looking for them. I was not looking for them on the night of April 4, either.

Why did you first go to see Mr. Lavan then?—I didn't first go to Mr. Lavan. I went to the detective office. I think it was May 15, but I am not sure of the date.

Was that the first statement made?—No. I saw a clerk in the detective office and told him exactly the same as we told Mr. Lavan.

Did the clerk at the detective office take any notes?—No, he wrote down our names and addresses.

Did you tell Mr. Lavan exactly the same?—Yes; that if a car was in Vincent-street we could not have missed it.

How many days after did you see Detectives Purdue and Doyle?—About a week. I think it was the same day as I saw Mr. Lavan.

How was it you came to see Mr. Lavan?—I had a telephone message from Mr. Banks, who was in Mr. Lavan's office. I went up about half an hour later, and met Mr. Banks at the solicitor's office. Mr. Banks had already given a statement. This was read over, and I signed it. Not the same statement, but one saving "I agree with what Mr. Banks has said."

You remember the detectives calling on you the same day?—Yes.

Did you not say that you were not prepared to swear that there was no car at this particular place?—I do not remember this question being put to me.

And your saying you would not swear it as you might have been talking and not noticed it?—I don't think I said that either.

I presume you do talk in the car?—I may have talked some of the way.

Did you talk during the trip in May?—I suppose I did.

Might you not have been talking when you passed the car?—I always have my eyes in front of me, and for a good part of the way I look in front of me. Would you see a car on the side of the road?—I would. I was sitting beside the driver. You could see the 50 yards to where the car was presumed to be when we turned from Oxford-street.

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Why do you "presume 50 yards" from the corner?—I think it was the next time we went out in the car that the place was pointed out to me. That was at the end of May.

Do you remember, on April 4, seeing any cars on the way home?—Yes. I saw one in Railway-parade, and a Ford standing on the right-hand side of Kimberley-street near the fire station.

You saw Banks' evidence in the paper?—Yes.

Can two cars pass each other in Vincent-street?—Yes, but I do not think both could stay on the made road.

Have you ever passed a car in Vincent-street?—I do not remember doing so.

Re-examined by Mr. Lavan, witness said he first heard about a car being abandoned in Vincent-street on Saturday, April 5. When Detective Purdne first saw witness he did not know witness had been to Mr. Lavan's office.

If you were talking to the driver while going up Vincent-street, to what side would your head be turned?—To the right.

That is the side on which the abandoned car was said to be?—I understand so.

The witness was then discharged from attendance at Court.

GEORGE AUBURN SENIOR'S EVIDENCE.

George Auburn said he had been 26 years in the hotel business; and resided at the Osborne Park Hotel. Accused was his eldest son, and was 21 years of age. He had known of the proposed trip to Wagin, for his son had mentioned it two or three days before. George had proposed to take a party there. He accompanied witness to town on the Saturday morning (April 5). Witness knew Charlie Johnson, who owned a motor cycle. Johnson was often at the hotel.

JOHNSON'S CYCLE.

The last occasion it was brought there by Charlie Johnson was on Friday, April 4, before lunch. Witness saw Johnson with the machine in the back yard and they spoke with each other. In consequence of what witness said, Johnson took the bicycle towards Eddie's store. After being taken into town on the Saturday by witness, George returned on the Sunday night. On the Monday witness saw George at a motor bicycle—whose motor bicycle witness did not know. It was just inside the yard by the kitchen door. The time was just before lunch. Witness passed a remark to his wife about it. She was in the kitchen. Later on that Monday he saw George riding the motor bike—between 2 and 3 o'clock. He was riding towards Perth. Witness next saw George at tea time. On the morning of the day George went to Wagin. Miss Coombes served his breakfast. Witness knew George had a bad arm for over two years.

AUBURN'S ARM.

Witness had often seen it bleed, the blood running right down the arm, to the wrist. Witness did not stock limejuice and soda. He had many times seen George wash shirts, collars, and so on in the bathroom and the washhouse. He had never seen George wash a suit. He had seen George hang out clothes on the line, and had once or twice seen his suits hanging on the line. He had seen George put his suits on once or twice.

CAR P38.

He owned motor car P38, a single seater, which George used to look after. He knew George had complained about the number plates on the car. They were very dull.

To his Honor: I have had them over 12 months. I had to get them when I went to Osborne Park.

£150 IN DEBTS.

To Mr. Lavan, witness said he knew Ramsay well. Ramsay would know George, too. He had had to pay debts George had contracted amounting to about £150 during

the last two years. It was true, too, that he had stopped George's credit. He had been allowing George £4 15s, including his board and lodging, which was worth about £1 15s a week. He gave George additional money besides that when he wanted it. He knew that George had hired Singe's car to go to Wagin.

A BIRTHDAY PRESENT.

George had a birthday present of £21 coming to him which he could have drawn had he wanted it. When he offered George the cheque he said "I have had enough out of you lately, dad. I will have it later." On April 4 he heard George come home about 12 o'clock. George's room was just past witness'. He saw George again Saturday morning. He was aware that George was in the habit of bringing something home to eat on an evening.

Mr. Havnes asked: On numerous occasions before April 4 George promised you to get a new set of number plates, the last occasion being about three weeks before April 4?—I remember the occasion. It would be three weeks to a month before. He spoke of the plates on several occasions.

He had mentioned it before over a period of three or four months?—Yes.

What is wrong with your plates?—They are badly finished and dull.

POOR OLD PLATES.

Is that not a strange sort of present to give you?—He did not say anything about a present. He said, "They are poor old plates. I will get you a better pair than that some day, Dad."

Is that not giving you a present?—Certainly not. I do not think so. He generally gives me better things, and pays for them, and then charges me up with them. (Laughter.)

Is it unusual to have dull number plates?—No; but people like to have things looking as nice as possible.

You would have no objection to the jury looking at your number plates?—No; they are unshapely things, and tear your clothes. The metropolitan number plates are enamelled, and much better looking.

Is it the numbering on the plate that is unshapely?—The plate itself.

Have you seen any number plate that is not squared at the edges?—I would not swear that I have.

Was there to be anything special about the plates your son was getting for you?—No; the matter was left to him.

Will not any number plate, squared at the corners, tear your clothes?—The enamelled plates are much smoother, and a little rounded at the corners.

Were the new plates to be the same shape as the old?—I suppose so. It is a good thing to have spares.

Ramsay made the plates you have, and the new ones were to have been made by the same man?—I suppose so, but George did not get them made there. I am ready to bring the car down to the Court for you to see the plates now on it.

Did George tell you he had bought the number plates for you?—No.

Did he afterwards tell you he had bought them?—No.

He said nothing about number plates?—No.

Although he had got them?—He had not got them as far as I knew.

Consequently you never made any inquiries as to where they were?—No.

Did an account come for the plates?—No.

You know of nobody who has made any endeavor to obtain these number plates?—No.

THE DETECTIVES' VISIT.

Detective-Sergeants Doyle and Cameron came out to see you at 8.45 p.m. on April 16?—Yes.

You were asked by Detective-Sergeant Doyle, "Do you know anything about young George getting any number plates?" and did you reply, "No, I don't?"—George said he would get me a set, and I

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told them that. They asked me how I seen any number plates about the place, and I said "No."

His Honor: I can see nothing inconsistent so far.

Mr. Haynes (to the witness): You said nothing to the detective-sergeants about George intending to get the number plates?—No; they asked me if I had seen any number plates. My motor car was relicensed on August 29, 1923.

Did you ket the plates in August, 1923?—No. When I went to Osborne Park over 18 months ago.

Didn't you tell Dets. Doyle and Cameron you had got them since relicensing the car about four months before?—The relicensing would be the transfer to the Perth Road Board. I had to get new plates when I went out to Osborne Park. I had No. 2728 before. I deny that I said I got the plates when I relicensed the car.

Would you not have the metropolitan number until August?—I don't think so. I have paid two licences to the Perth Road Board. This one (exhibiting a car licence) is only the last one.

THE WAGIN TRIP.

George told you about the proposed trip to Wagin?—Yes. He never suggested taking my car, as it was only a small one.

A single seater?—No, it holds two. (Laughter.)

Could you drive that with two women in it?—I could put anything in it. Seven or eight or a dozen. I could open the lid and put half a dozen around the side. I could put a dozen on altogether. You could stick them on like bags of chaff, but it would not be comfortable.

When did you take George into Perth on the Saturday?—About 11 a.m. He wanted to go to Wagin in the afternoon.

When did he tell you that?—A day or two before; he said he was going to Wagin on Saturday.

On Saturday afternoon?—He said "about Saturday afternoon."

You are sure of that?—Yes. Did he ask for the Saturday morning off?—I told him he could go after 10.30.

Did he ask you at any time to have the whole Saturday morning off?—He asked at 9 o'clock if I was going into town and if he could come with me. I said "I will be going in before 11 o'clock."

He was in the bar prior to that?—Yes.

Did he ask you prior to the Saturday to have the Saturday off?—No. The first time he spoke to me about going into town was at 9 a.m. on Saturday. He spoke about the Wagin trip some days before, and said he wanted to get away about 10.30 or 11.

JOHNSTON'S BICYCLE.

When were you first called upon to recollect that the bicycle of Johnston's came to the hotel?—When the inquest was on.

Johnston gave evidence at the inquest on the 30th April?—Yes.

What hours did your son work for you?—He might have been working in the bar, working on the car, or running messages. It was really a matter of giving him something to do. I did not pay him a regular amount, but he had what he wanted.

Did you keep an account regarding him?—No. He was one of the family; not one of the staff.

There was no question of your owing him money?—No. He drew about what I would have had to pay another man.

You say you kept no record of payments to him?—Only through the book-keeper. He often had more than his wages. He did not sign for any.

Did he draw an advance on wages?—You would not expect to get that back, would you? (Laughter.)

THE DISTRESS WARRANT.

You remember a warrant being issued against him over a debt of £37?—Yes. I got my son to open the document in my presence. It was a judgment summons for £37.

Was it not a warrant?—It was a Local Court judgment summons. I did not see any warrant. I arranged for payment at £10 a month. I wanted him to make the arrangement, but he would not go.

Your son was at home when you made the arrangement?—He was there at the time. I do not know when that occurred.

But you said he was there?—He was there when I opened the letter.

He was there when you made the arrangement?—I don't know when I made the arrangement.

As soon as you got the summons you went in and made the arrangement?—No. I don't know when I went in.

THE BLEEDING ARM.

As regards the blood on his arm, how often did you see it run down his wrist?—Several times. I have frequently spoken to him for not looking after it properly.

Did you notice the blood running down his arm during the month or so before the murder?—Yes.

Did he have his coat off at the time?—He was in a shirt and pants.

Have you noticed the blood running down his arm when he has had his coat on?—No.

The blood didn't gush out?—Well, it didn't drown anyone. (Laughter.)

The wound is near the shoulder, and the blood would take a long time to run down to his wrist?—I don't know that it would.

You say he had his shirt on. Was it rolled up?—Yes.

And he allowed the blood to trickle right down to his wrist without attending to it, or putting a bandage round it?—He often bandaged it.

How long would it take the blood to run down to his wrist? A few seconds or some time?—I don't know.

Would it trickle down fast or slowly?—It would not run down like water from a tap.

Wouldn't he mop the blood up as soon as he saw it running down?—He might.

But did he?—I have often seen him wipe the blood off on anything that was nearest to him. When a man is working on a car he always has something on that he is not frightened to do anything with.

Did you ever see his clothes hanging on the line to dry?—Yes.

How long would it take them to dry?—All day.

His Honor: What clothes?

Mr. Haynes: A suit of clothes?—Yes. It would not take three days to dry, would it?—I don't think the suit would be out there night and day.

If the bleeding broke out frequently, why didn't you get him attended to?—He would not allow me to do anything. He said he was all right, and would look after it. He used to say "I can fix it up, dad."

A CLOTHES CLEANING MANIA.

In re-examination, Mr. Lavan asked. Have you seen George cleaning suits and pressing them?—Hundreds of times. He had a mania for cleaning his clothes.

Have you ever given him anything for that purpose?—Yes, petrol.

Have you seen him use anything for his arm?—He has often used Rexona, Zam-Buk and other things.

As regards the document from Barton's, who was the solicitor you saw?—Mr. Chick.

Do you remember when that was?—No, but I can look it up.

You told us the amount of money you gave to George varied? Would you have had to employ a man in his place if he had not done what he used to do?—Yes.

With regard to the bicycle coming on April 4. How do you fix the date?—It was the day before George was going to Wagin.

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EVIDENCE OF GEORGE AUBURN, SEN., CONTINUED.

And the Monday you saw Johnston with the bicycle there, how do you fix that?—It was the day after he came back.

Are you clear about the two days?—Quite clear.

During the adjournment the jury inspected Mr. Auburn, sen.'s, car.

Mr. Auburn, sen., again entered the witness-box after the luncheon adjournment.

Mr. Haynes: That number-plate projects over the edge of the mudguard about three inches. In consequence of that you are liable to catch your clothes on the edge of it?—Yes.

That number-plate is fitted with a tracing, slide?—Only about half an inch.

And you could slide the plate inwards?—About half an inch.

Not more?—I don't think so.

Would it be but a few minutes' work to file the corner off the plate?—I suppose so.

His Honor: Is the position of the plates on your car fixed?—Yes. I have always had them there, but it is a bad position.

How long have you had the car?—I think for 12 months last December.

Mr. Lavan (to witness): Could the plate in its present position tear your clothes?—Very easily. The number plate at the back was run into by another car.

What was the number of your old car?—I think it was 61. It was a Ford, and I was not allowed to transfer the number to the new car.

A TAILOR'S EVIDENCE.

A new witness for the defence was then called by Mr. Lavan, namely, John Archibald Ewen, a master tailor, carrying on business in the Bon Marche Buildings, Barrack-street. Witness stated he had carried on the business of tailoring for about 25 years. Upon being handed the blue suit of accused, witness said he had examined it three times, as well as the button. After comparing the material on the shank of the button with the material of the coat, he could not say that the material in each case was the same. It was impossible for anyone to swear that it was. He produced a bundle of seven different serges and said the material on the shank was not unlike any of them. It might come from any one of these seven different serges. He had made examinations three weeks ago, a fortnight ago, and to-day. He had carefully examined the shank button and the hole in Auburn's serge coat. In his opinion it was impossible to say that the button fitted the

AMATEUR SEWING.

The stitching on the button outside the coat had been sewn very amateurishly. The stitching of the button was sewn the same as a tailor would do it, parallel. The other stitching was crossways. The jigger button was not an unusual kind of button. Shank buttons on clothes were very fashionable. If a shank button were torn off such a coat as Auburn's, and the suit was subsequently washed, the effect in this quality of serge would be to slightly fray the edge, and, if the washing was rough, to increase the size of the hole.

Mr. Parker: If the suit were just put in the water to soak, would it make any difference in the hole?—There would be a difference.

Can you, without knowing the surrounding facts, say whether the washing and drying would make much difference, or little?—No one could tell how an amateur would wash.

You examined the button twice. For how long?—A few minutes. It is impossible for me to tell if the jigger button came from this coat.

When did you look at it with a glass first?—About three weeks ago.

Then why examine it to-day with a glass if you were previously satisfied?—To confirm my first impressions, I suppose.

Are these two garments of the same material (coat and waistcoat were handed

up)?—I think they are. I would not swear.

Will you look at the waistcoat and coat button. Are they the same?—They are the same.

Now look at the jigger button and the coat button; which is the odd one?—It is impossible for me to say. There is only one button to match it with, and it may be the odd one.

Have a look, and tell me the difference in the button?—The difference lies in the ring in the centre. It is very slight. The button on the coat is a shade larger in the ring.

One is bevelled?—Yes, the one on the coat.

COMPARING BUTTONS.

Have a look at the ones on the sleeve. Are they a little bevelled?—No.

Therefore they correspond with the button on the shank?—Yes.

Does it not appear that the button on the shank corresponds more with the buttons on the coat?—It does not.

Which, then, is the odd button?—There is no bevelling in the shank or cuff buttons, but I will not say it matches it.

You would judge the material in the same way. Which of these pieces of material matches that suit? (Some samples were handed up. Witness examined the pieces for a minute or so)—Three are very close.

Will you say that any one of the three is the same material as the suit?—No.

So there are three patterns, and the coat and you cannot tell the difference between them?—These patterns are not of my establishment, and they cannot be the same as the suit.

They are similar to the coat and you cannot tell the difference?—The coat may have been made of similar material. The coat has been washed and cleaned.

And yet you can tell the difference between the three patterns?—Yes.

Is the shank button the same as when you saw it?—No. The sewing has become unravelled.

I am speaking of the piece of material to which the button is attached?—It has got more into a ball shape. Otherwise it seems the same. The hole in the coat has also slightly altered in shape since I last saw it.

Here is coat No. 4. It is dirty in front. Does it look as if it could have been cleaned without being afterwards worn?—It could have been hanging in a dusty hall. Grease is merely worked into material when dry cleaned, and dust may well adhere to it afterwards.

Would you suggest that the coat has been cleaned since it was worn?—It is a long while since it was cleaned.

Mr. Parker: It has been worn a lot since it was cleaned.

Mr. Lavan: Suppose the suit were in a bedroom across the back of a chair, and it were brushed out daily, would it get that appearance?—There is evidence of grease spots on this coat.

Suppose the coat was worn on two or three occasions about a motor car, would you expect to find the grease spots?—The grease on the coat would soon become apparent.

Who asked you to examine the coat with glasses?—You did.

A SECOND TAILOR.

Albert Ernest Woollands, master tailor, of Economic Buildings, examined by Mr. Lavan, said he had 33 years' experience of all branches of tailoring. He had three times examined, both with glasses and with the naked eye, a blue serge coat and a loose shank button, at the Crown Law Department. He could not tell whether or not the piece of serge on the shank button came from the coat.

DIFFERENT SERGES.

He examined the samples of serge with Mr. Ewan on two occasions. The sample serges all differed. He could not say that the serge on the shank button had come from any of the seven samples. The serge adhering to the link button was so small that it might have come from any serge. When he examined it he could not say that the material on the shank button fitted the hole. It was impossible, in his opinion, for anyone to say if the material fitted the hole. If the coat had been washed it might shrink a little, and the hole might be frayed a little; it would depend on how it was washed. The loose button may have been sewn on by a professional tailor. He had seen a professional sew the "cross" stitch. He would say that the button on the coat may have been sewn by an amateur.

The third week of the trial of George William Auburn on a charge of the wilful murder of John George O'Neil at Claremont on April 4 draws to a close to-day. From present indications there is every probability that the case will continue for the greater part of next week. A number of witnesses for the defence have yet to be called, while the Crown proposes to call many witnesses to tender rebutting evidence. It has been assumed that the addresses of counsel and the judge's summing up will probably occupy three days.

Public interest runs very high, the daily overflow of the Court assembling in the gardens in little groups to discuss the latest items that percolate out.

Mr. H. Parker and Mr. A. G. Haynes represent the Crown, while Mr. M. G. Lavan and Mr. J. F. Walsh appear on behalf of the accused.

A TAILOR'S EVIDENCE.

Albert Ernest Woollands, a master tailor, of Economic Chambers, tendered evidence after this paper had gone to press yesterday afternoon.

Mr. Haynes: Would you say that the piece of material on the shank button did not at one time perfectly fit the hole on the blue coat?—I do not see how any man could say that.

Would you say that if a jigger button had been sewn upon the material of the coat it could not have been sewn through the canvas stiffening?—I should say not.

Is there on the material attached to the jigger button any sign of a piece of canvas?—No. I do not say, however, that a jigger button was ever sewn upon that coat. Such a button would usually be sewn through the thread of the outside button.

Mr. Haynes questioned the witness at some length as to the sewing-on of ordinary buttons and jigger buttons.

Witness said the outside button of the four buttons on the blue serge coat was the odd one.

Mr. Haynes: Has the outside button been sewn on by hand since the coat was made?—In my opinion, it is so.

There are scores and scores of varieties of everyday buttons?—Yes.

Witness further stated that blue serge when unravelled often showed a lighter color than the original stuff.

Mr. Lavan: If anyone said that the serge on the button matched the material on the suit, what would you say?—I think it would be impossible to express an opinion.

What is your experience with buttons — I have found a slight difference amongst buttons in a new box.

How would the link button be sewn on? —It might be sewn on to the canvas or only on to the cloth.

A DOMESTIC'S STORY.

Elizabeth Forrest, domestic, said she was working at the Osborne Park Hotel in February and April as housemaid-waitress. George Auburn lived at the hotel all the time she was there. During that time Geo. Auburn always washed his own clothes. She had frequently seen him doing so in the bathroom. She had seen him washing pyjamas, shirts, socks, and a blue suit comprising a coat and trousers. The last-named garments she had seen hanging on the line, and had turned the coat to allow the wind to blow through. Accused has often pressed his suits with an electric iron on the corridor table. She knew that he had an injury to his arm, because one day she collided with him in one of the passages. He winced and presently pulled his coat down and showed her the injury. She saw blood on his coat.

Mr. Parker (cross-examining witness): Did you see any blood in Auburn's room or splashes of blood on the floor?—No.

Did you ever seen him work?—Yes, on motor cars and motor cycles.

How long was the blue coat on the line after you turned it?—I do not remember, but I do not think it was there the next

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day. He never washed his clothes in the washhouse; always in the bathroom. Usually he did not leave his clothes in the water to soak.

Do you remember why Auburn washed his blue suit?—I did not ask him. The suit I saw washed was not as good as the one he is now wearing. It was fit for him to wear to town, and as good as any he had then.

When you saw his arm bleed, was he wiping the blood off?—Yes.

Did you ever see blood on his wrist?—No.

Mr. Lavan: But it might have been there without your seeing it?—Yes.

Used you to go to the washhouse at all?—Not as a rule.

Where, then, did you see George Auburn do his washing?—In the bathroom.

THE 2s. LOAN.

Cecil Roy White (who had his right arm in a sling because of an accident) said to Mr. Lavan that he had been employed at Hunt's Biscuit Factory, East Perth, for about two years, but was at present incapacitated. He knew accused by sight and to speak to. He met him only on the tram. Up to March 31 last he had resided at Osborne Park. Then he removed to 35 Melrose-street, Leederville. He remembered being at the East Perth Picture Gardens on the night of Friday, April 4. The pictures there were over on that night somewhere about 10.30. Witness, not having a watch, could not speak more definitely. He saw George Auburn one night, but he could not say what night it was. He was in town on the Tuesday, Wednesday, Thursday, and Friday (April 4) nights, but could not say what time it was when he got home—about 11 o'clock, he thought. He stayed at the East Perth Pictures until they were over, and then took a young lady to Edward-street, and stayed about 10 minutes. Then he went across and caught a tram at the corner of Beaufort and Newcastle streets. He remembered he had to wait a few minutes. Out of the four nights in town he only saw George Auburn on one night, but did not know which one. The night he did see him was one when witness got off the tram at Melrose-street—two streets past Vincent-street, going in the direction of Mt. Hawthorn. As witness was getting off the car Auburn asked him for the loan of 2s, which he gave him. On this night witness boarded the tram at the corner of Beaufort and Newcastle streets. Auburn was not then on the tram, and he had no idea where he did get on. On other occasions when Auburn boarded the tram with him it was at the corner of Beaufort and Newcastle streets. When Auburn used to get on the car he frequently saw him with pies and soft drinks.

The Court adjourned at 4 p.m.

TO-DAY'S PROCEEDINGS.

Upon resumption of the trial this morning Cecil White was again placed in the witness box.

A PICTURE PROGRAMME.

Mr. Lavan: Since last night Mr. Parker and Mr. Haynes have seen their way to admit that the programme at the East Perth Picture Gardens on the night of Friday, April 4, was as shown in this newspaper (handed in), the pictures being

"Alias the Night Wind," "Potash and Perlmutter," and "The Pirate."

The witness, continuing his evidence in chief, said that on the night of Friday, April 4, the accused did not get on the tram at his usual corner, and the first witness saw of him was when accused got out of the tram. The number of the tram was "15." Some time later witness gave a statement to the police.

Mr. Haynes (to witness): When were you last at any pictures?—Last Saturday night.

What pictures were shown? (The witness paused.)—It was not last Saturday; it was one day this week at the Palladium and Richard Bartholmes was the actor.

How many pictures were shown?—Three pictures.

Were you at the pictures on Saturday night last?—No.

What night were you at the pictures this week?—I will think in a minute. (The witness again paused.)—Wednesday night I think it was.

Can you swear it was Wednesday night?—It might have been. (Another pause.) No, it was Tuesday night.

That is the third shot you have had at your last night at the pictures?—Well, I am out every night of the week, and it takes some guessing.

Give us the names of the pictures you saw on Tuesday night?—I could not exactly recollect. There was Richard Bartholmes. One picture was a gazette of the South-West and the group settlements.

Can you give the name of any of the pictures?—There was a comedy.

I want the name of the comedy?—I cannot give it.

On the Saturday night what were the names of the pictures? (Witness hesitated and finally gave no reply.)

How many pictures were there?—Three. I cannot tell you the name of the picture, but the actor was Michael O'Halloran.

But it is the name of the picture I am asking for?—I was half asleep in there.

Half asleep on Tuesday night too, I suppose?—No, it was different then.

How?—On the Saturday night I was by myself.

That's what sent you to sleep. When were you first called upon to remember the East Perth programme?—On the day Detectives Doyle and Kennedy came to see me.

Did you recollect it?—Yes.

Did you give them the same three pictures as you tell us now?—They did not ask me. I could have.

When was this, after the murder?—Yes, about April 20 or 21.

THE NIGHT OF THE MURDER.

You say you got home about 11 o'clock that evening. How far is your house from the tram?—Not a minute's walk.

Would it take you about 20 minutes to get home?—It all depends on whether I went straight home.

Did you go straight home?—No, it would take me about a half-hour.

Do you know that the last tram leaves for Osborne Park about a quarter to 12 from Mt. Hawthorn?—About that.

And there is a tram which links up with that?—Yes, the "16" tram from Perth.

The tram that would arrive before that would get there 5 or 6 minutes previously?—Yes.

The car prior to the final car to Osborne Park would get to your corner about 11.35 p.m.?—Somewhere about that.

NOT ON THAT CAR.

Then you certainly were not on that car that night?—I couldn't have been by the time I got home.

You could not?—I could not say. I did not have a watch with me.

But you got home about 11. You told us that?—As far as I can remember.

Again I put it to you, you could not have been on that car (11.35)?—No.

Therefore, if Auburn was on that particular car that particular night, he could not have got 2s from you?—No, not if I was not on it.

Did you notice pies and a bottle in Auburn's possession this night?—No, it was dark and the lights were out in the back of the car.

When did you first give a statement to anyone on behalf of the defence?—About the beginning of June.

DID NOT WORRY HIM.

Prior to that you were not sent for on behalf of the defence or approached by them?—No.

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Then the matter did not worry you much?—It did not seem to.

You saw Mr. Lavan's advertisement asking persons who knew anything about the matter to go to his office?—Yes.

And you also read the evidence given at the inquest?—Yes.

(His Honor here opened a new evidence book, placing the filled one on his left.)

You read Auburn's statements to the police?—Yes.

You then realised the importance of the evidence you could give?—Yes.

His Honor: Why did you not respond to the advertisement?—Because I had already given a statement to the detectives.

Mr. Haynes: Did you see in Auburn's statement the words "I cannot think of anyone who saw me on that night."

Before the witness could answer this question Mr. Lavan rose to object.

Mr. Haynes: Later on in that statement Auburn says "Cecil White will know whether I was wearing an overcoat or not?"—I do not know. It was dark.

A VOICE IN THE DARK.

Then how did you know it was Auburn?—I knew his voice.

A voice in the dark. (Laughter.) Auburn was alongside you on the back of the car?—He was not alongside me. I was only there for half a minute.

And you did not notice whether he had an overcoat on or not?—It never entered my mind.

I want to know what entered your eye. (Laughter.) Was it so dark in the back of the car that you could not see that much?—I did not trouble to look.

Could you have seen if you had looked?—Yes, if I had done so.

But the light was coming out from the inside of the car?—I did not take any notice.

His Honor: Some men get blamed for not noticing what clothes their wives are wearing. (Laughter.)

"I CANNOT SAY."

Mr. Haynes: It was a hot night?—I do not remember.

It was the night you went to the pictures when you lent him the money?—I cannot say. It was one night between the 1st and 4th of April.

I take it you have never told anyone else a different story to this?—No.

How often did you see Auburn before the night of the murder?—Pretty well every night when I lived at Osborne Park. After that I saw him only once.

You have never on any other occasion lent him money?—No.

Cecil White, continuing:—

STATEMENT TO POLICE.

Your memory regarding the incident would be better a fortnight after the murder than it is now?—That would depend on what I would remember.

You made no secret about what you knew of the matter?—No.

And you told everyone the same thing?—Yes.

I now produce the statement you made to the police. Is this your signature at the foot of the page?—Yes.

Now hand it back to me. It was read over to you before you signed it?—Yes. Gordon read it to me. I did not read it myself.

Was it correct?—So far as I remember, but not in respect of a couple of dates. I was mixed up as to the time I left the Park to go to Melrose-street. It could not have been the 7th of April. It was also a mistake when I said I had lent Auburn the money a week or a fortnight before the murder.

The statement is dated April 24 last. You say: "I reside at 5 Melrose-street, Leederville. I remember April 4, 1924"?—I did remember it then.

You continue: "I was at the East Perth pictures with my girl"?—Yes.

The statement goes on: "I got home about 11 p.m." Is that correct?—So far as I can tell you that is correct.

The statement continues "I did not see Auburn that night at any time"?—As far as I knew then. The detectives came round and asked me, but I was not to know where I had been.

Have you ever gone to the detectives and altered your statement on that point?—No.

Then your statement says "I know Auburn. I used to live at the Park, and we used to go home together. I shifted to Leederville about March 7 last." Is that right?—Yes.

LAST SAW AUBURN.

Referring to Auburn, you say "Last saw him about two weeks before the murder"?—That is as far as I could remember then. I will tell you how I came to make the mistake.

Your recollection when you were approached was that you had not seen Auburn for about two weeks before the murder?—That is so.

Have you ever gone to the detectives and told them that that information was incorrect?—No.

You knew you had made the statement like that?—Yes.

Would you have come here and given the evidence you gave yesterday, if you knew of this statement? You remember that you went home with your girl on that Friday night and that you did not see Auburn that night?—Not as far as I knew. I found it out afterwards.

How long afterwards was it you found out that the statement as to your not having met Auburn on the night of Friday, April 4, was incorrect?—When I got home I found I had made a mistake in the shifting.

Didn't the detectives say to you "Think and see whether you saw Auburn at any time that night"?—Yes.

You did see him that night?—Yes.

"I WAS FLABBERGASTED."

Your statement goes on "He borrowed two shillings from me that night when I was getting into the tram at Melrose-street." You were not bustling about your statement to the police?—I was bustling when they came down. I was flabbergasted.

That word has been used before in this case. What flabbergasted you?—When the police came down unexpectedly and asked where I had been.

Does anybody unexpected by you flabbergast you?—I was not expecting the police down.

Do you mean that you were flabbergasted on only one point?—I had been puzzling my brains as to what I did that night.

Mr. Lavan: Was it before you shifted to Osborne Park, or after you shifted to Osborne Park that you lent Auburn the 2s?—Before.

You were in town each night of April up to April 4?—Yes.

Where did he catch his tram?—Every night, except the night I lent him 2s, at the corner of Newcastle and Beaufort streets.

THE 2s LOAN.

In answer to further questions by Mr. Lavan, the witness said it could have been either the Tuesday, Wednesday, Thursday or Friday night when he loaned Auburn the 2s.

Two weeks before the murder he was living at Osborne Park and it was after he removed from there that he loaned the amount. In his statement to the detectives he confused the time of Auburn's arrest with that of the murder.

Witness simply guessed the time the pictures came out that night. A member of the staff of Lavan and Walsh visited him and he then went in to see Mr. Lavan. When the detectives interviewed him he had not prepared himself to discuss dates or anything else.

In reply to his Honor the witness said he had not been to Melrose-street any time before he shifted there. Melrose-street was two streets past the Leederville Hotel. He did not see Auburn board the tram at the corner of Beaufort and Newcastle

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streets on any night subsequent to that on which he loaned him the money.

What rent did you pay at Melrose-street?—£1 a week. After four weeks I moved to 266 Oxford-street, where I pay 11s a week.

MOTHER OF THE ACCUSED.

Elizabeth Auburn, mother of the accused, was then called. On mounting the witness stand she displayed considerable emotion and was promptly handed a glass of water by the usher. During the course of her evidence, she repeatedly glanced towards her son in the dock. She told her story in an undertone, and each sentence was repeated by Mr. Lavan for the benefit of the jury.

The witness said she remembered her son George going to Wagin, and when he came back. After his return on the Monday he was doing something to a motor bicycle just before lunch, and as he had not finished the job she put his dinner aside for him. She did not see him again until tea time. Between that date and his arrest she had seen him riding a motor bicycle a couple of times. She stated that her son had suffered from a bad arm for about 18 months, and sometimes the blood from the wound had run down the arm as far as his wrist. His sleeves were generally rolled up, and he had no coat on when this happened. On one occasion when he was coming from the parlor into the bar she knocked into him, causing him to bang into the door. The collision caused him to suffer considerably. On another occasion she found him in the washhouse with his arm bleeding, and bandaged it up. He often washed his own clothes, generally in the bathroom, but sometimes in the wash-house.

Witness had seen his suit on the line, but had not actually seen him wash it. She took the suit off the line and took it inside because she would not leave it out all night. She had also seen him clean and press his suits very often, almost every other day. He used to treat his arm with Zam-Buk and boracic lint, and she also applied those remedies to it.

THE SUPPER HABIT.

She knew that he used to eat something in his room at night, because she found the remains of the food in the room at times, and because at other times he placed the debris outside the room. She had also found in his room half-empty bottles and empty bottles. The hotel did not stock limejuice and soda.

MOTOR WORK.

George did a lot of work in connection with motor cars. When a maid was employed at the hotel, witness did not do George's room; but when there was no maid, witness did his room, and then saw motor tools under the bed. She had never seen any of those tools wrapped up. George used to wash silk shirts and other things in the bathroom; he did practically all of them except his underclothing.

THE WAGIN TRIP.

On the Saturday morning when he went to Wagin Mrs. Coombes served the breakfast. George was at that time dressed in the coat and pants of his grey suit. She noticed nothing peculiar about George that morning. She saw him in bed at half-past 6 that morning, and there was nothing whatever unusual about him. Her bedroom was the first at the top of the stairs. Mr. Auburn's bedroom was the second, then came the other son's and then George's. To go to bed George had to pass her room. She remembered his coming home on the night before he went away to Wagin. She heard him come in that night about 12 o'clock.

Mr. Parker: Do you know what time George came home on the Sunday night when he returned from Wagin?—No.

What is the particular work you have frequently seen him do on motor cars and motor cycles?—I could not quite tell you what he was doing.

Did he have his coat off, so as not to

dirty it among the machinery?—Yes.

The washing of shirts and collars and so on which he used to do is very light work on his arms?—Yes.

And that work never affected his right arm?—No.

Neither did the work on the motor cars and motor cycles?—Yes, the work on the motor cars did.

HIS ARM BLEED.

How did that work affect the arm?—I could not tell you, but it made the arm bleed.

Did you see the arm bleed when he was working on motors?—Yes, I saw it bleed three times. Once in the motor house.

When was that?—I couldn't tell you the date.

Did you do anything for the arm on that occasion?—No, except bandage it up.

The bleeding did not interfere with his work?—For a time it gave him great pain.

Did it interfere with his work?—I don't think so.

IN GREAT PAIN.

What used he to do when he was in great pain?—Swing his arm about.

Swing it backwards and forwards, or right round over his head?—Right round.

How often have you seen him do that?—I cannot say.

Once, or twice, or three times, or many times?—I couldn't tell you.

Have you ever seen him grab his arm?—Yes.

For what reason?—Because of the pain.

JOHNSTON'S MOTOR BIKE.

As regards the motor bicycle that is in Court, have you ever seen it before, and if so, where?—I think I have seen it before. It looks like one that was in the yard, but I would not be sure.

Have you ever seen George riding that machine?—I couldn't tell you whether that is the one, but I have seen him riding a bicycle.

You have told us you saw him riding a bicycle twice between April 4 and the date of his arrest. Where did you see him riding it?—Past the front of the hotel, or not exactly the front.

How long did he remain away on the first occasion?—I couldn't tell you.

Then you don't know whether he remained just round about the hotel?—I couldn't say.

Either on the first or second occasion?—I cannot tell you.

When did you first see the blood running down past his wrist?—I couldn't give the date.

Was it six months ago?—Not so long ago as that.

Was it within three months?—I could not be quite sure.

All you can say is that you saw it within six months of the present date, or within this year?—Yes.

Was it one of the occasions on which he bumped his arm on the door?—Yes.

What did you do for his arm on that occasion?—Nothing.

Did you do anything at all for it that day?—I am not quite sure.

On the second occasion that you saw blood running down his arm to his wrist was it within the past three months?—Yes.

What caused it?—He bumped it while in the parlor.

Did you do anything for it?—That night before he went out I bandaged it.

Did he or you do anything for it immediately?—He just wiped it.

And went on with his work?—Yes.

Did he swing his arm around on that occasion?—He always did when he hurt it.

And he did on that occasion?—Yes.

SPLASHING BLOOD.

Did he on that occasion splash any blood about when he swung his arm?—I couldn't say.

You say you saw the suit hanging to dry after he had washed it. Do you remember when that was?—No.

He tells us he washed the suit in January and again in March—which do you refer to?—It would be about March.

Do you know what became of the suit after it was put on the line a second day?—No.

Have you seen him pressing his suits at all since then?—Yes.

How many bottles did you find in the morning?—There was an accumulation there.

What were the remains of his supper you refer to?—Sometimes fish and chips and sometimes meat pies. He always had the same.

When he got home at night I suppose there would be something for him to eat if he wanted it?—Yes, but it would be cold.

If on the night of the 13th when the detectives came out, you remember the occasion? (Witness broke down and tearfully answered "I do.") The witness continued to weep for the remainder of her evidence.)

Do you know whether he could have got something to eat that night or not?—I do not know whether he could.

To Mr. Lavan the witness said that notwithstanding what George could have got at home he always brought supper with him.

"GOOD-BYE GEORGE."

As the witness left the box she waved her hand and muttered "Good-bye, George." The accused acknowledged his mother with a bow.

THE WALK TO LEEDERVILLE.

James Cutmore, clerk in the employ of Lavan and Walsh, said that acting on instructions he walked from the corner of Beaufort and Newcastle streets, along Beaufort-street over the bridge, along Barrack-street to Hay-street, along Hay-street to William-street, down William-street to Murray-street, west along Murray-street to George-street, down George-street to the Federal Hotel, through Marquis-street, under the subway, along Railway-parade to Oxford-street, and down Oxford-street to the Leederville Hotel. The time occupied was 55 minutes. Witness walked at a fair average pace. He took no intermediate times on that occasion. On another occasion he walked the same route at the same gait, and it took him 38 minutes to reach the subway.

Mr. Parker: What time of day did you make these walks?—On the first occasion in the morning, and the second at 7.30 p.m.

How many lights were there on the subway?—I did not notice.

Did you eat a couple of pies while you walked along. (Laughter.)—No.

Did you also pick up an overcoat, look at it, dust it, and then go on with it?—No.

His Honor: It cannot be said there is any great value in this evidence. Probably if every member of the jury walked the distance each would do it in a different time.

Mr. Parker: Was your watch correct?—I will guarantee it.

How long did it take you to walk the distance on the second occasion?—Fifty minutes.

Mr. Lavan: What was the weather like on the second occasion?—It was wet. That caused me to increase my pace.

His Honor: Most people will get out of the wet if they can.

"NOT A CIRCUS."

Mr. Parker and Mr. Haynes here interpolated some remarks.

Mr. Lavan: I would call counsel's attention to the fact that this is a murder trial and not a circus.

A MILKMAN'S STORM.

Charles Gobbey, milkman, residing at 35 Melrose-street, Leederville, in reply to Mr. Lavan, said he remembered the morning of April 5. He was delivering milk to his customers then. He knew Frogmore-street, now Stanford-street, on the west side of Oxford-street, and running paral-

lel to it. Stanford-street ran into Vincent and Melrose streets. He was in Stanford-street, at 3.30 a.m., and noticed the reflection of motor lights from Vincent-street from the direction of the football ground. It was a dark morning.

To His Honor: The morning was about one of the darkest we have had. There was no moon.

To Mr. Lavan, the witness said that his nephew Horace Thompson, just turned 11 years, who lived with him; was with him on the round. As a rule the boy went on the cart Saturdays and Sundays. Witness was delivering milk in Stanford-road, and meantime the boy was sent to serve some customers in Vincent-street, and also a customer in Regent-street. The boy on his return spoke to witness. Witness then went straight down Stanford-road and served a two-storeyed shop at the corner of Oxford and Vincent streets.

MOTOR-CAR IN VINCENT-STREET.

When he left Stanford-road, coming to Vincent-street, he noticed a motor-car standing about 120 to 125 yards down Vincent-street from Oxford-street, with lights on. The car was on the same side as the oval. Eventually he came to the car and passed it. There was nothing to interrupt his view of Vincent-street. The lights of the motor car went out before he crossed Oxford-street. After serving the two-storeyed shop, he served a private house two doors down from Vincent-street towards the motor-car. When he came to the car with his horse and cart, the horse would not pass the motor-car. It was the horse's first time in a morning run. He got out and led the horse past.

CAR 3481.

Witness looked at the car. It was a grey color with a yellow hood, and the number was 3481 in black letters and white number plate. There were two spare tyres strapped to the back of the car. Witness's reason for looking at it was that he thought it might belong to the health inspector. The car was standing opposite Chinnery's private house. As he walked past with his horse a man walked from the car to the footpath and stood under the shop verandah. Witness chained the wheel of his cart and went to serve a customer down past the car, and when he returned the pony had turned and got on the footpath.

A STRANGE MAN.

The man was dressed in a grey felt hat, turned down all round, a dark overcoat, and light colored trousers, not as dark as the overcoat. He did not see the man's coat. The man then walked over to the motor car. Witness then proceeded up the hill and served a couple of customers, turned down Loftus-street into Carr-street, served six customers, proceeded past the Leederville Hotel, up Oxford-street. As he passed the Leederville Hotel he saw the same man standing at the corner. He could not identify the man. On the same day he made a report to the officer in charge of the Leederville police station. He rang up the station from his brother's place in North Perth. At the station he also saw Detective Gee, and later on Detectives Doyle and Kennedy, to whom he made a statement. The lights were in use, and the engine running, before he got to the car. He heard the noise of the engine, and there was also another noise, but he could not say what it was.

Mr. Parker: Did you see the car move?—No.

You told the detectives that whoever the man was he had a heavy overcoat on?—A dark overcoat.

Mr. Parker (reading from detective's note-book): "It was a heavy overcoat with hat pulled down all round, and he wore grey trousers." Did you sign that?—Yes, that is the one.

Was it read over to you before you signed it?—Yes.

Is it correct?—Yes.

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STATEMENT DISPUTED.

Mr. Parker (again quoting): "I saw a man stand under the verandah and he had a heavy overcoat on, a light felt hat and grey trousers. It was a heavy overcoat, with his hat pulled down all round and grey trousers"—It was not said to my knowledge.

Did you ever say, "I could not say it was George Auburn that was there, nor can I say it was not him?"—That is correct.

And did you say, "I know George Auburn by sight"?—That is correct.

Mr. Lavan: How often had you seen George Auburn before?—Two or three times.

Could you recognise again the man you saw?—No.

THOUGHT IT WAS THE INSPECTOR'S CAR.

A titter ran around the gallery when a small boy, aged about 12 years, stepped into the witness-box, and announced his name as "Horace Thompson," a nephew of the last witness. Before he was sworn his Honor asked him if he went to school, if he understood what he was doing, and if he would tell the truth. In his clear, young voice, the boy replied in the affirmative to all questions.

In response to questions by Mr. Lavan, the witness said he was in the habit of going out with his uncle to deliver milk

every Saturday and Sunday morning. On a Saturday morning—he could not remember the date—he was serving a wine shop with milk in Vincent-street, and saw a motor car coming down the hill. His uncle was serving milk in Stanford-road, so he went back to his uncle to tell him. He had thought it was the inspector's car. (Loud laughter.) He and his uncle then proceeded on their way, and witness served a two-storied house just opposite the Post Office.

The horse would not pass the motor car, and the uncle had to get out and lead it past. His uncle noticed the motor car, and looked at the number, and then went on to serve another customer. When witness saw the motor car come down the hill, and just moving, the lights were pretty good. Before witness and his uncle got up to the car the lights went out and the engine was turned off. Witness saw a man standing up against the window of the shop near by. That was the first time he saw the man. He would not know the man again. He did not see the man's face.

Mr. Parker: Do you remember two gentlemen seeing you some time ago and getting a statement from you, in which you said "When first I saw a motor car in Vincent-street, it was near the Oval entrance with the headlights lit?"—Yes.

The motor car which you saw coming down Vincent-street could have gone round into Oxford-street while you were in Stanford-road?—Yes.

Was the motor car which you saw before your uncle saw it, travelling fast or slow?—Only going slowly.

How far were you away from it?—I couldn't tell you.

A long way, I suppose, and it was a dark night?—Yes.

Did you see the car stop?—I saw it stop all right.

When you came back from Stanford-road was the car still moving?—Yes, just going slowly.

When you came back with your uncle was the car moving?—No, it had stopped then.

You do not know whether it was the same motor or not?—No.

You told the detectives, "I saw the car in Vincent-street, near the Oval entrance, with a dull headlight"? What do you mean by dull headlights?—That the lights were not very strong.

Did you or your uncle serve the wine saloon that morning?—I did.

Did you tell the police that while your uncle was serving the wine saloon the lights were put out?—No.

Tell me if this is your signature (handing the witness a pocket-book)?—Yes, but it is not my writing. (Laughter.)

He read it over to you. Did he ask you if it was all right?—No.

Is it all right?—Yes.

THE LIGHTS WERE PUT OUT.

Do you remember this, "While my uncle was in serving the wine saloon the lights were put out"? Did your uncle serve the saloon?—No.

How many times have you been there with your uncle?—Since I was about 9.

Have you seen motor-cars before?—Yes. Often?—Yes.

Do you remember telling the police it was a young man who had a dark overcoat on?—Yes.

You could see that?—Yes.

What sort of hat did he have?—A grey felt.

Re-examined, the witness said he did not see the man's face or his hair.

A CRICKET PITCH.

To his Honor, the witness said the distance he had to walk back to the cart was not the length of a cricket pitch.

You saw the lights of the car go out when you were near Stott's. Would that be on the east or the west side of the street?—On the south side. (Laughter.) It was on the Perth side of the street.

Did you see any difference between the lights of the car you saw moving and those of the car you saw standing?—No, they looked the same. In each case one light was dim and the other was stronger.

When did you meet your uncle when you went back to him after seeing the car?—Just around the corner of Stanford-road.

You told the detective that you and your uncle met at the corner of Frogmore and Vincent streets, then went to the wine saloon, where your uncle supplies milk?—My uncle did not go with me to the wine saloon.

PUNCTUATION.

Mr. Lavan: The statement your Honor has is a copy of the original, and the punctuation may not be in accord with the punctuation of the statement as given.

The notebook containing the boy's statement, as given to the detective, was then handed to his Honor, who said that after comparing it with the typewritten copy, he could well understand the boy's answer. His Honor said the words, "Where my uncle supplies milk" did not refer to the time when the milk was supplied.

His Honor: You first saw the car before seeing your uncle?—Yes.

And after you got into the cart with your uncle and were coming back going up to Oxford-street, you saw the lights again?—Yes.

When you were going back with your uncle and you saw this car standing, how far was it, could you say, from where it was when you first saw it and when it was moving?—It was a good way from the corner of the reserve.

Have you any idea how far the car had moved?—(No reply.)

There is a hill there. Is it a steep hill?—Not very steep.

When you first saw the car and it was moving, was the car on the top of the hill or the middle or the bottom?—On the middle of the hill.

Are you sure of that?—Yes.

And where was the car stopped—at the middle, or at the bottom of the hill?—At the bottom of the hill where we passed it.

DR. MOSS AND AUBURN'S ARM.

Matthew Kasner Moss, medical practitioner, Perth, was examined by Mr. Lavan. He said that at counsel's request he had examined George Auburn's right arm during the progress of the trial. He had noticed on the outside of that arm a large overgrown red scar about three or three and a half inches long. If that scar were abraded or sustained a knock, say, against a door, it would bleed. The amount of bleeding would depend on the condition of Auburn's blood, and the amount of acti-

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vity, and whether the smaller blood vessels were opened. The wound could bleed to some extent. It might bleed a tablespoonful with the greatest of ease. If Auburn had his shirt sleeves rolled up at the time of getting a knock on the wound, the blood would run down on to his hand or on to the ground. Witness had experimented on his own arm with material of the same viscosity as blood, and had found that a tablespoonful would run down from his arm into his hand.

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Two medical men gave expert opinions for the defence at the trial of George William Auburn in the Criminal Court yesterday afternoon after this paper went to press. They were both closely cross-examined by Mr. H. Parker, for the Crown.

Dr. Kasner Moss was under cross-examination for nearly three-quarters of an hour.

To Mr. Parker: If he got the arm knocked against a door or someone cannoned into him he would feel pain and possibly he might feel sick. If a man having a pain in or a bleeding arm swung it, it would have the effect on the hat produced. Witness had experimented with a hat himself.

Mr. Parker said he supposed that Mr. Lavan would put in the hat produced by witness.

Mr. Lavan: You can.

Mr. Parker: Most decidedly I will.

THEORISING.

Continuing, witness said he examined the motor car and he also read the post-mortem examination. If the person who sat alongside the driver of the car was the person who dealt with O'Neil, witness would have expected blood spots to be on the front and left-hand side of the hat of the man who committed the murder.

His Honor remarked that it would be impossible for anyone to say in what direction the blood would splash, because it depended on the force and direction of the blow.

Witness told Mr. Lavan that he saw blood on the hood of the car. Having examined the car, he concluded that if the man was alongside the driver he would expect more blood than was on the hat.

Mr. Parker: Have you examined the hood carefully just above the driving seat?—Yes.

You know the ridge pole. Did you look just behind there? There is a spurt of blood which looks as though an artery had been cut?—Yes.

Describe how an artery appears when cut. Is it not like a very fine hose spray?—A very, very small one would be like that.

You have seen the post-mortem examination result, and I suppose there are many of those injuries which could have broken a very small artery?—Yes. The spots on the hood were not from a small capillary or artery. They are larger spots.

Do you say the spots on the hood were similar to the ones on the hat as regards size?—They are larger.

EXAMINING THE CAR.

I will ask you to come down and have another look at the hood, and I will put the same question later to see if you hold to that opinion?—I measured them as being about a quarter of an inch diameter.

That is what I want to point out. You haven't seen them all.

His Honor granted permission for witness to make a further examination, and witness, Mr. Walsh, and Mr. Parker left the Court.

AN EXPERIMENT.

After inspecting the car, witness informed Mr. Parker that the spots above where the driver would sit were not a quarter of an inch across, but were similar to the spots on the hat.

His Honor: That is, the doctor's hat, I presume.

Mr. Parker: Yes; it was used for the experiment made. To witness: Could not spots that size on the hood be caused by the breaking of a small artery?—Yes.

If the blood spurted on to the car would not some of it be likely to come down upon the crown of the hat worn by a man sitting close by?—That part which did not hit the car would come down upon the crown of the hat worn by the man sitting on the left of the driver.

You would expect to find some blood on the hat of that man?—Yes.

And some on the brim of the hat underneath?—Some could hit the hat under the brim if the person struck leaned inwards.

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If it were a small capillary that was broken, would you not expect to find spots of blood and not large ones?—Yes.

AUBURN'S INJURED ARM.

The witness was then cross-examined, particularly with regard to the wound or scar on Auburn's right arm.

Mr. Parker: You saw the scar on Auburn's arm?—Yes.

Is it hard to the touch?—Not very hard.

Is it to a certain extent calloused?—No; that kind of scar is frequently anything but calloused.

In expressing an opinion upon such matters, you are guided only by what your patients tell you?—I am guided by my experience of such scars. At all events, I do not know what any pain is to anyone else but myself. (Laughter.)

You do not know whether this particular scar is calloused or not?—No.

You have never seen this scar bleed?—No.

SWINGING THE ARM.

Would it allay pain on that arm to swing it around and around over one's head if one got the arm knocked?—That is a thing I frequently do when I am hurt. I don't know whether it will allay Auburn's pain, but I know I have gone through those movements myself.

Have you ever seen that movement gone through by anyone who had a pain on the upper arm?—No.

Or gone through for the purpose of allaying bleeding on the upper arm? Would not that movement increase the bleeding rather than allay it?—Very possibly.

His Honor: Is it not very often a case of violent exercise and violent words, Mr. Parker? (Laughter.)

AN ATTACK OF FAINTNESS.

Mr. Parker (to witness): Would fish and chips be a good thing for a person who is feeling faint? (Laughter, and the accused smiled broadly.) Have you ever heard of a person feeling faint, eating fish and chips?—It is rather an unusual method of getting over faintness.

What is usually the first thing wanted by a patient who is feeling faint?—To lie down.

Yes, and a drink, isn't it?—Yes.

You would not expect a person who is feeling faint to have fish and chips within, say, ten minutes or a quarter of an hour of having to be helped to a gate?—Yes, that is possible. A faint feeling very soon disappears.

Even when caused by pain?—The pain soon goes.

And the faintness goes equally quickly?—As a rule.

Do you think that muscular action would affect that scar as you saw it?—I don't think so.

Mr. Lavan: Did you at all examine Auburn for a break in the right forearm?—No.

There was a suggestion made by Mr. Lavan and opposed by Mr. Parker that the witness should there and then examine the accused's right forearm. The suggestion was not adopted by his Honor.

BLOODSTAINS.

Mr. Lavan: As regards the motor car which you examined just now outside the Court, if the blood flew up to the roof of the car, what sort of stains would you expect to find on the passenger's hat?—Larger stains.

In answer to Mr. Lavan, the witness said there was blood on the suitcase produced. He would not express an opinion as to what quantity of blood would be found on the hat if the suitcase was in the back of the car on the left hand side and on top of some petrol cases, taking as a basis the quantity on the suit case.

Mr. Parker: Especially if the corpse was thrown in the back of the car.

Mr. Lavan: There is no evidence of that.

His Honor: No.

Mr. Parker: The floor of the car speaks for itself.

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Mr. Lavan: The evidence is that the suit case was on top of the petrol cases and there was no blood on that.

Dr. Moss, at the request of Mr. Lavan, examined the scar on accused's wrist, and said it might slightly interfere with the muscular action.

ANOTHER DOCTOR'S OPINIONS.

Alexander Juett, medical practitioner, said he had examined Auburn's arm, and found there a hypertrophic scar. If it were sufficiently jarred it would bleed freely. If accused had his coat off and his sleeves rolled up, the blood would roll down and be on the hand. If the arm bled and ran down in that manner, and he swung his arm witness would expect to find fine spots of blood on the hat.

If a man with an arm like that was knocked into a door, so that it struck the sore part, he would expect him to feel pain. Witness had examined the car, and had seen the bloodstains upon the hood. There were stains on the hood to the left of the lining of about a quarter of an inch in diameter. He would expect to see stains on the hat of a man seated in the car about as big as those appearing on the hood.

His Honor: How can the witness possibly say how the blood could have spurted? You have not asked the witness how the blood spurts could have been caused.

Mr. Lavan: If the jury do not want to hear this evidence I will sit down.

The foreman said it was not their desire to hear more upon that point.

Mr. Parker (to witness): If a small capillary were burst, would you expect the blood to come out in fine spurts?—A small capillary would not spurt at all.

Would you get a fine spurt from an artery?—From a very small artery.

And if the man committed this deed were sitting on the left of the driver, and broke a small artery, wouldn't you expect to find blood on top of the hat and underneath the brim of the hat. Especially if the blood spurt reached the roof?—Yes.

If a large spurt struck the roof, would it not disintegrate, and come down in small spots?—Not from an absorbent surface.

BLOOD ON THE CLOTHES.

If the murderer did sit on the left of the driver, would you or wouldn't you expect to find blood on his clothes?—I would.

Have you ever had any experience in swinging arms to see where the blood flies?—Yes.

Have you swung your arm right around because of the blood, or when the blood has run down your arm into the hand?—No. That is not the natural movement.

I agree with you. What is the natural movement?—A flick.

The swing right around would be a most unnatural movement?—I could not say it would be an unnatural movement.

If you got a sufficiently hard bump on an old wound on the upper arm to make it bleed would it or would it not relieve the bleeding to swing the arm right around?—That is an involuntary movement.

Is it a natural involuntary movement to swing your arm right round?—I could not say.

Do you mean to say you are giving expert evidence and don't know which is a voluntary movement and which is an involuntary movement? Would that be a natural movement?—A natural movement is an involuntary movement.

When do you think this involuntary movement, as you describe it, would take place?—Being due to pain, it would take place during pain. Any time during a spasm of pain.

If the man got his arm bumped to such an extent as to make it bleed, when would pain be greatest?—The arm would be painful over a long period.

When would the first pain occur?—Immediately after the injury.

Then would you expect this voluntary movement a half-hour afterwards?—Quite possible.

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PAIN AND FAINTNESS.

Would you expect it when he was in the act of fainting or feeling faint?—It depends on the pain at the time.

Feeling faint, would you expect him to swing his arm around his head?—At any time during the spasm of pain.

You say this wound might bleed freely?—Yes.

If it did and he had his coat and shirt on, would you expect to find blood on his coat and shirt?—It would depend on the tightness of the coat and shirt.

And the lining of the coat?—Yes, but less there.

And as he pulled off his coat would not there be blood somewhere near the hole? In fact, a smattering all over the sleeve inside?—Yes; if it went through to it.

If it went down to the hand, so as to cause him to swing it, would you not expect to find it in the lining?—It depends on the looseness of the sleeve.

In the case of the ordinary shirt, would it not get into the ordinary coat?—Very little of it.

In the case of a silk shirt?—It depends on the amount of blood pouring out.

You say this would bleed freely, and the accused tells us it ran to the palm of his hand. Would that be bleeding freely?—Yes.

Then in those circumstances would you not expect to find it on the coat?—A small quantity.

And if he had his hand in his pocket it would be there too?—Yes.

And on anything he grasped?—Yes.

Did you see the spots directly over the head of the driver of the car?—Not those immediately over it.

Mr. Lavan: Would you expect the stains on the left-hand side to be larger or smaller than those on the hat?—Larger.

Will any small artery make a spray of blood when cut?—Yes.

If blood was on a man's hand, it would depend on whether it was dry or not as to whether it came off when he put his hand in his pocket?—Yes.

In the case of Auburn, if his arm bled on to his coat, where would you expect to find the blood?—On that part of the coat opposite the wound.

Would a man whose arm was bleeding be expected to feel faint at the time?—Yes.

REBUTTAL EVIDENCE.

His Honor: Do you expect to finish with your witnesses on Monday, Mr. Lavan?

Mr. Lavan: Yes.

His Honor: Perhaps on Monday morning I could hear the argument as to rebuttal evidence.

Mr. Parker: Yes.

Mr. Lavan: I hope to be finished calling my witnesses on Monday afternoon.

The Court adjourned until Monday.

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The fourth week of the trial of George William Auburn was entered upon this morning at the Supreme Court before Mr. Justice Draper and a jury.

The accused is charged with the wilful murder of a taxi motor driver, John George O'Neil, at Claremont, on April 4 last.

Mr. Hubert Parker, and with him Mr. A. G. Haynes, are acting for the prosecution, while Mr. M. G. Lavan and with him Mr. F. J. Walsh are defending the accused.

The Court, as hitherto, was crowded with spectators.

FREDERICK MOIR'S STORY.

Frederick Moir was the first witness called by Mr. Lavan. He stated he was a member of the firm of Peter and Moir, plumbers, Murray-street, Perth, and that he himself resided in Woodroyd-street, Mt. Lawley. Miss Sadler was his sister-in-law, and had resided at his house up to the time she went to Wooroloo. He also had known George Auburn for over 12 months, and during that time had frequently seen him at his (witness's) house.

THE WAGIN TRIP.

For some three weeks prior to April 5, witness had known of the arrangement by Auburn to take a party by motor to Wagin. He had not known what car they were going in, the arrangements having been left to Auburn. Had he known they were going in a hired car at Auburn's expense, he would not have agreed to make the trip. The first time he knew they were going in Singe's car was on the afternoon of April 5, when Auburn drove up to his house in Mt. Lawley.

THE FRIDAY EVENING.

On Friday evening, April 4, Auburn called at the house about 7 o'clock and left shortly after 7.30, witness letting him out. Auburn had no parcel with him when he went. The relations between Miss Sadler and Auburn were not very warm that night. Accused had asked her to go to town with him, but she had refused.

MURDER NOT DISCUSSED.

After the car had called for the party on the Saturday afternoon at Mt. Lawley, they all drove to the Osborne Park Hotel, where Auburn picked up his bag and then proceeded to Wagin. To his knowledge, the murder was not discussed, either going to or coming from that town.

AT QUARTERMAINE'S FARM.

At Quartermaine's farm, on the way down, witness went with Quartermaine to a shed to get some petrol for the car. Singe was then standing at the back of the car near the petrol tank. Auburn was not with witness and Quartermaine. While witness and Quartermaine were walking to the shed and back to the car, the murder was not discussed, nor was there any mention of it at the car between witness, Singe and Quartermaine. About 1 o'clock on Sunday morning, witness spoke of the murder for the first time to Quartermaine. The car had then gone to Wagin. The murder was not discussed at dinner, or after dinner on the Sunday in Auburn's presence. After dinner, Singe, Quartermaine, witness and, he thought, Miss Sadler sat for some minutes in the dining-room, and while they were there there was no discussion about the murder.

BACK FROM WAGIN.

They arrived back in Perth from Wagin on the Sunday, and on the following Monday, Tuesday, Wednesday, and Thursday nights, witness saw Auburn at Woodroyd-street. On two of the nights Auburn took Miss Sadler out. Auburn did not leave before 11 o'clock on any of those nights.

AUBURN'S ARM BLEEDS.

Witness had seen Auburn's arm in a bad state several times when it was bleeding. He had seen it bleeding at least four times. On the first occasion witness saw it bleeding, Auburn was at their home when they were living in Grosvenor-road, where they resided until March 22 last. Auburn came there and was holding his arm. He asked witness to help him take his coat off, and when that was done witness saw that Auburn's shirt sleeve was soaked with blood. There was blood on his wrist and on the left hand which had been holding the arm. Witness took him to the bathroom, and after having allowed the water to run on the arm, bandaged it up. On Sunday, at tea time, Auburn asked to be excused from the table, and went to the bathroom, witness following him. When witness got there Auburn had his coat off, his shirt sleeve rolled up, and the water was running on his arm, which was bleeding.

Witness did not bandage it on that occasion. Witness had seen the arm bleeding at other times, but not to the same extent.

PIECES OF PIPE.

In connection with his trade as plumber, he frequently brought from his work articles such as pieces of pipe fittings. Sometimes they would be wrapped up; at others unwrapped. Inquiries had been made of witness by Mr. Walsh about number plates. It was about three weeks or a month ago.

CROSS-EXAMINATION.

Mr. Parker: You gave evidence at the inquest?—That is right.

And you were then bound over to appear and give evidence for the Crown, if and when subpoenaed?—I was not notified.

So you saw Mr. Walsh?—Yes.

It was a month ago. Do you mean from now or when the case started?—A month from now.

That is, a week before the case started?—Yes.

When was the first occasion you saw Lavan and Walsh or anyone for the defence?—That was the first occasion.

So that you were asked to give evidence before you knew anything about what Quartermaine would say?—Yes, long before.

The conversations that took place on the trip, you were not asked to recall to your mind until a month ago?—I think that is wrong.

Why?—I could not have been asked about the conversations with Quartermaine until he gave his evidence here.

But you decided to give evidence on other matter a week previous?—Yes.

And you didn't recall to your mind any conversations that took place at Wagin until Quartermaine came forward?—I didn't think it necessary.

So you cast your mind back two and a half months?—Yes.

AFTER DINNER AT WAGIN.

What did you discuss when smoking after dinner at Wagin?—We listened to Quartermaine discussing farms and farming from the time Quartermaine came there and what had occurred.

Well, he was in reminiscent mood?—Yes, and Mr. Singe told a little story.

Anything else?—No, that was all.

Do you mean to say you can cast your mind back two and a half months and tell the whole of a casual conversation?—Not the whole of it.

You wouldn't pretend to?—Oh, no.

Will you pretend to tell the whole of the conversation that took place when you arrived at Quartermaine's early on Sunday morning?—No.

DISCUSSING THE MURDER.

When you heard of the murder outside the hotel, did it create any impression in your mind at that time?—Not very much.

You passed it off as an every-day occurrence?—No.

So that I don't suppose you know whether the murder was discussed in your presence?—I'm not sure it wasn't.

Perhaps you were not worrying about it—an every-day occurrence?—I have said I am not sure it was discussed.

Except the one occasion?—Yes, when I mentioned it to Quartermaine and the rest of the family.

So that it didn't go in one ear and out the other?—I didn't say it did.

And you did think it news because you told Quartermaine?—Yes.

Even Quartermaine could not have been interested or any of the others because you say it was not mentioned again?—Not so far as I noticed.

You couldn't swear they were's interested?—No.

Will you say definitely that Singe, Quartermaine, and Auburn could not have said something without you hearing it?—It was within hearing distance.

I didn't suggest you weren't. Were you watching them all the time, or did you talk to the womenfolk?—I did talk to Mrs. Quartermaine shortly after arrival.

Do you suggest it would have been impossible for Quartermaine, Singe, and Auburn to have had a few words?—It might have been possible.

If they did you don't know what they discussed?—No.

You do not suggest that Quartermaine did not speak to Singe or Auburn?—No.

As a fact, when Auburn arrived at your house on April 4, you did not see him come in?—No.

You even didn't know what color suit he wore?—No.

So you do not know if he had any parcel with him?—Not when he came in.

Or when he went out?—He had none.

Will you swear that?—I will.

A STATEMENT VARIED.

You made a statement to the police on April 15. I suppose your memory was good then; it hasn't improved?—No.

That is your signature (showing witness the detective's note-book)?—Yes.

It is dated April 15, prior to his arrest?—Yes.

Do you see there the words "I do not know whether he made any arrangement to come back and sleep. I did not see any parcel with him, but he may have had one with him unknown to me"; is that correct?—It is here.

Is it correct?—He did not have a parcel.

Is that correct?—So far as I know.

His Honor (after examining the pocket book containing the statement): There is not much material difference.

AUBURN'S PARCEL.

Mr. Parker: He does not know the color of Auburn's suit, but on April 15 he said to the police, "He may have had a parcel with him." (To witness): Does this refer to Auburn's coming in or is it going out, of your house?—It seems to refer to his coming in.

Do you swear that?—I do not remember which I was talking about.

Have you any idea whether he had a parcel with him or not?—He had no parcel. I went on the verandah with him, and we were both talking, and he was pointing to certain things, using both hands, and I was doing the same.

Do you remember saying at the inquest, "So far as I know he had no parcel with him when he left"?—I did not use those particular words. You asked me what parcels he had when he went away, and I said "None."

There seems to be some doubt as to the point?—It would appear so from the deposition.

And six weeks later you are definite in the matter?—Yes.

Are you definite about the suit Auburn was wearing that night?—I do not know what suit he wore.

Or what kind of hat, or if he had a hat?—No.

Could he not have gesticulated with his hand and have had a hat and a parcel in them?—He may have, but I have never seen him with a parcel except when he brought a bottle of cool drink up to the house.

DIRTY OLD OVERCOATS.

He is not the type of fellow to carry parcels?—No.

Or to pick up dirty old overcoats?—I know nothing about that.

How have these bottles been wrapped up?—Sometimes not at all.

Where did he get them?—At a little shop near the corner of Beaufort-street and Grosvenor-road.

At what time did he arrive at your home with such bottles?—During the evening, but I cannot remember the time.

How often did he do this?—On six or seven occasions.

When was the first and when the last time?—I cannot say.

Mr. Lavan: This is wasting time.

His Honor: It may or may not be so.

CARRYING BOTTLES.

Mr. Parker: Have you even seen Auburn in town with a bottle in his possession?—No.

He is not the type of man to carry bottles about?—No.

Or carry meat pies about in parcels. Is he a very hungry person?—Not unusually so.

You made application to see Auburn in gaol after the inquest?—No.

Application was made on your behalf?—That may be so.

Who made it?—I do not know unless it was Mr. Auburn, sen.

Are you a great friend of the Auburn family?—I know Mr. Auburn.

What were you to see the accused about?—I have no idea.

When did he first tell you about finding the overcoat?—I do not remember that he did tell me. I think I mentioned it to him on Monday, April 14. I had heard a rumor about it.

Did he tell you about the spot along Westana-road?—No.

When did Auburn leave your place on Saturday to get the car to go to Wagin?—He arrived at our place a little after 11 in the morning, and left between 1 and 2 in the afternoon.

On the Friday evening Miss Sadler was busy in the kitchen?—She was doing something there.

PIECES OF PIPING.

When did you last take a fitting home?—That was just after we moved to Woodroyd-street, at the end of March.

What else have you taken home?—Short pieces of piping.

Do you work in your good clothes?—I put on my working clothes.

What size pieces of piping do you take home?—About a foot long?—All sizes. I did take a short piece home, because I intended to fix up a towel bracket in the bathroom. It is not fixed yet.

Was that on April 4?—No.

When else was it you took home a small piece of piping about that length?—I have taken them home on lots of occasions.

But when?—I cannot give the dates.

Do you say that when you are in working clothes you wrap up a piece of piping to take it home?—I do sometimes.

Why?—Sometimes I slip the piping in the clip for the pump on my motor bicycle.

And you wrap it up to do that?—Sometimes.

Did you on April 4 take a piece home?—Not as far as I remember.

You remember on the Friday night when Auburn left, one of his last remarks was that he would be back later on?—His remark was that he would probably be back later on.

On that night?—Yes.

On the Tuesday night after the trip, were you there all the time Auburn was at your house?—Most of the time.

Do you remember that you told the

police that you next saw him on the Tuesday and the murder was not discussed?—It was not discussed.

Will you swear it was not?—I may not have been there.

And the same applies to Wagin?—Yes.

AUBURN'S BLEEDING ARM.

When his arm was bleeding you say it ran down into his hand. Did it drop down?—I do not say it dropped. It was on his hand and wrist.

There was a fair amount of blood?—Yes.

On the other occasions there was a fair amount?—Yes.

Was it on his coat?—It must have been on the cuff of his coat, because I got it on my thumb.

When was that first occasion?—Some time before Christmas.

Since Christmas when have you seen it?—I cannot say if that Sunday was before or after Christmas.

When was the next occasion?—It is impossible for me to fix the date.

Was it at Grosvenor-road?—Yes.

Then it was before March?—Yes.

SWINGING THE ARM.

Do you say that when his arm was bleeding so profusely it would stop when he put it under water?—He used to swing it, and put it in water.

Did he throw it all over the place?—He must have done.

Did it drop big blobs?—I cannot say.

That is on two occasions. When were the other two?—The other two must have been after that.

Can you say what caused it to bleed when it ran down to his wrist?—It must have been something that happened outside our house.

Was he in a car?—No, he was walking.

And on the second occasion?—We were sitting at the table.

How long was he away from the table?—I doubt if he came back.

You do not know what caused it to bleed?—No.

He stopped that with cold water?—Yes.

Did he wave his arm about on that occasion?—That was the occasion.

Did he wave it on the first occasion?—I cannot remember.

What did he do on the other two occasions?—He took his coat off and dabbed something on his arm.

And waved it about?—Yes.

I may be wrong, but would not that increase the bleeding?—That is what I thought.

Mr. Parker: So do I.

RE-EXAMINATION.

Re-examined by Mr. Lavan, witness said he first knew that he was not to be called for the prosecution when he was told by Mr. Walsh that his name was not on the list. It was when Mr. Quartermaine gave his evidence that witness saw it was alleged that Singe and Quartermaine got the petrol. After they got the petrol Auburn was not at the car. In witness' opinion Auburn could not have had a parcel, such as that described, about his clothing. He did not have a parcel in his hands or under his arms. Witness did not go to the gaol to see the accused. There would be piping at the house between March 22 and April 4, and it had not been used up to the present time. Auburn had frequently said he would stay the night, but did not do so.

OSBORNE PARK TRAM TIMES.

John R. Austin, a tram conductor, produced the current time table for the Osborne Park route. The journey from the Palace Hotel corner to Mt. Hawthorn terminus occupied 23 minutes, and to the Leederville Hotel 17 minutes, and to the corner of Beaufort and Newcastle streets eight minutes. Mt. Hawthorn cars were numbered 15 and those to Osborne Park were No. 16.

Cross-examined, witness said those times were sectional, and varied at rush periods owing to the extra time taken for people

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to get on and off. They only varied about a minute or so. The trip from Walcott to Murray street took about 10 minutes. The fare from Palace Hotel to Newcastle-street was 2d. At rush periods the trams 15 and 16 were about filled when they reached Trenchet's corner. People leaving the pictures and other entertainments mostly caught the Leederville trams at the corner of William and Hay streets. Witness would not say that a lot of passengers left the car at the end of the 2d section (Newcastle-street).

PASSENGERS WITHOUT FARES.

If a person gets in a tram without money it is not customary to put him off, but to take his name and address.

To Mr. Lavan: It was very seldom anyone boarded a car without having enough money for his fare.

His Honor: That is because of the prosperity of the place.

Witness, continuing, said that Trenchet's corner would tap the people coming from the Grand Pictures.

DEFENCE EVIDENCE CLOSED.

Mr. Lavan: That is the case, your Honor.

ARGUMENT ABOUT REBUTTAL EVIDENCE.

Preparatory to listening to the arguments of counsel as to the right of the Crown to call rebuttal evidence, his Honor said to the jury: "You are discharged in custody until 2 o'clock this afternoon." The jury then left the Court.

His Honor: Mr. Parker desires that his application to call further witnesses should be made in the absence of the jury.

Mr. Lavan: I, too, think that is desirable.

Mr. Parker: With reference to the question of Press reports of the argument, I submit that if the newspapers desire it, they should be permitted to publish the argument only after a decision has been arrived at in this case, and the jury dismissed. This is undoubtedly a matter of public importance.

His Honor: There is no harm in the Press stating that after argument leave was given to the Crown or otherwise to call certain evidence.

Mr. Parker: After this jury has been discharged.

Mr. Lavan: In the course of argument, Mr. Parker must tell your Honor what evidence he proposes to call, and he thinks no harm can be done if that is published after this trial. Suppose the jury disagree. In that event I can see a great deal of harm being done in connection with the second trial. If a definite decision is arrived at one way or the other, it will be all right, but the publication of an outline of the evidence of the Crown, as is proposed now, might convey to a new jury something which would not be evidence. I presume they would read the newspapers.

His Honor: At present I think the Press ought not to publish anything more than the fact that after argument a certain decision was arrived at.

Mr. Lavan: I see no harm in that.

His Honor: Not at this stage.

Mr. Parker then proceeded to state his reasons why the Crown should be permitted to call further evidence. It was indicated that argument on this question would not occupy more than half an hour. Mr. Parker opened his remarks at 12.10 p.m.

The trial of George Auburn was resumed at 2.30 this afternoon, when Mr. Justice Draper delivered reserved judgment following upon the argument of counsel as to the admissibility of certain rebuttal evidence sought to be called by the Crown. His Honor announced that he had decided to allow Mr. Parker to call some of the witnesses mentioned by him, to give evidence regarding certain aspects of the case only. The jury then returned to their box in the Court.

EVIDENCE OF REBUTTAL.

Clifford A. B. Lloyd, merchant and importer, said he had known the motor-cycle taxi-driver Allen about four years.

They had spoken a number of times. Witness saw Allen on the Tuesday following the murder, shortly after 2 o'clock. Allen was seated in his sidecar, and witness at the time was waiting for a business acquaintance. Allen asked witness what he thought of the murder. Witness expressed the view that it was "a shocking tragedy."

CAR IN ROE-STREET.

Allen answered: "Oh, I saw that car (O'Neil's) on the Friday night about 11 or 11.30." Allen said that at the time he saw the car he (Allen) was passing down Roe-street with a passenger and noticed a car in front of one of the houses. Either he (Allen) or his passenger thought it was his brother's car, and he stopped his motor-cycle. They then examined the number and found it was 3481. He was sure it was not the car he originally thought it was, but he immediately recognised it as O'Neil's Buick Six. Allen also told him that he had reported the incident to the police.

QUESTION OF MEMORY.

Mr. Lavan: Were the number and name of O'Neil's car reported in the Press prior to that conversation with Allen?—They may have been.

You do not remember whether they were or not?—I knew O'Neil's car was reported.

Was the number of the car published?—I could not swear to it.

So your memory is not as good as you think. You seem to have an exceptional memory, have you?—I would not like to say so.

Have you a good memory?—I should say so, yes.

It would be over two months from the time when that conversation took place. When did you first jog your memory?—When I saw the report of Allen's evidence.

Within the last two or three days?—Yes.

What did you do then? Go to the police, or did they come to you?—No.

What happened?—I indicated to Mr. Haynes or his clerk that it was not correct.

Do you pretend that after a lapse of two months you can give conversations you had with people?—In this case, yes.

Only for this particular case? If you had a conversation on a business matter two months ago could you give it accurately?—I should hope to do so.

Would you?—That would be a matter of opinion.

You remember this conversation word for word?—I can produce someone else who—

You can remember every word after that period?—Yes.

You said it was 2.5 when you met him?—I said about 2.5.

You are pretty accurate about this?—What I have said is correct.

Do you remember saying to Mr. Haynes when he asked you how long after the murder "the murder was on a Friday, wasn't it"?—No.

Will you swear you did not say this in this Court?—Yes.

How far is Hillview-road, where you live, from where Allen lives?—About a quarter of a mile.

You say that he knows you. Does he know you as Mr. Clifford Lloyd?—He may do.

Will you swear he does?—I cannot.

Did he say anything more than what you have told us?—Relative to this?

Yes?—No, nothing more.

If a man were sitting on a motor cycle waiting for a passenger for 20 minutes with a car in front of him, would you not expect he would see the number?—I should think so.

A CONSTABLE'S EVIDENCE.

Constable Richard Henry Hickson said that prior to April 6, he was attached to the C.I.D. He knew Allen, whom he spoke

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to on the day after the murder about 1 or 1.30 a.m. on the Economic corner, when they had a general conversation.

3401 OF 3841.

About 8.20 p.m. that day, at the same place, witness saw him again, and asked: "Did you see a car in Roe-street last night or early this morning?" He answered that he did, and said he was not sure whether it was 3401 or 3841.

A ROW IN ROE-STREET.

Allen had told witness this was about 12.25 a.m., just prior to seeing witness. The car had been outside 226 Roe-street. The taxi driver also stated that "Aunty," the occupant of the house, would know who the two men were, because one of them had kicked her dog, and when she had remonstrated the other man had grabbed her by the throat as if to throttle her. Allen had told witness both the name and address of his passenger. Witness reported the conversation to Det.-Sgts. Purdue and Doyle.

To Mr. Lavan, witness said he was sure Allen had given him the two numbers he had mentioned.

ANOTHER CONSTABLE'S STORY.

Alfred Henry Parker, a plainclothes police constable, examined by Mr. Haynes, said he had been attached to the C.I.D. for three years. He had known Allen, the taxi-driver, for something like seven years. Witness had an interview with him on the rank on Monday morning, April 7, concerning the report that he had seen car No. 3481 in Roe-street on the Saturday morning. Allen said he had seen a car outside 226 Roe-street, but thought the number was 3081. He was sure there was a 3 in it, and an 81 at the end, and therefore thought it must have been O'Neil's car.

Witness reported the conversation to Detective Purdue. He saw Allen again on Monday night, when he told him he had to see Mr. Lavan, and supposed it was about the car in Roe-street. Allen said he thought he would remember Auburn again and that Auburn had asked him once to go to the East with him. Allen said he did not want to be dragged into the case when witness told him he could only say what he thought about seeing the car that night.

RELUCTANT TO GIVE EVIDENCE.

Mr. Lavan: When you had the second conversation with him, he knew you were a constable?—Yes.

And he made no secret of the fact that he was coming in to see me about the car?—No.

He seemed to be reluctant to give evidence?—He did.

The first time you spoke to him did you mention car 3481 to him, or did you simply ask him if he remembered the number?—I asked him whether he was right that he had seen car 3481 in Roe-street.

You are carrying your memory a long way back, you know?—I remember it all right.

Did he say anything about thinking the number was 3481?—He thought that as he had seen the 3 and the 81 at the end, it must have been the car.

CAR NO. 3081.

It is peculiar that he told Hickson next day he thought it was 3081 or 3481?—He told me 3081.

And that he thought it must have been O'Neil's car?—Yes, on account of seeing the 3 and 81.

At that time the owner and the number of the car was announced in the papers. Did he not say that, in view of that, he thought it was 3481?—Having seen the "3" and the "81," he thought it might be.

FISH AND CHIPS.

Miss Ena Golding (re-called) said that she first took over the business in Oxford-street about the middle of March. Accused was a visitor at the shop then, and came in often up to the night of the mur-

der. In consequence of what she had been told by the previous occupier of the shop, she kept cool drinks on the ice for certain customers, including accused, who had lime and soda. He would take it away with him. She could not say whether accused had a parcel when he came into the shop on April 4.

Mr. Lavan: You are busy at that hour?

--Only on Friday and Saturday nights.

Can you give me the date you took over?

--About the 10th to the 14th March.

May it have been a little earlier?—I do not think so.

After this lapse of time it would be hard for you to remember about parcels?—Yes. I cannot remember. He might have brought one every night, for all I know.

Can you say how many nights he came in?—No, it would be more than one. I think about three or four, but that is only a guess.

Did he ever consume the drinks in the shop?—No.

What did he have on the night of April 4?—Fish and chips.

THE WAGIN TRIP.

Charles Henry George, motor-car owner, said that on April 5 he was on St. George's Terrace rank. About 2 o'clock Auburn to Wagin by car.

Spirited interest was taken in the trial of George William Auburn by the public to-day. This was caused no doubt by the knowledge that the addresses of counsel would be commenced, in which the story of the crime from the Crown's viewpoint and the story of the alibi set up in defence would be reiterated and elaborated upon. To-day is the sixteenth day of the trial, and it is anticipated that the addresses and summing-up will occupy until Thursday. The remaining days of the trial, therefore, will be of increasing interest.

Counsel and jury during the past few days have been exhibiting signs of weariness, but to-day, possibly with the knowledge that the case was drawing to a close, they appeared to be recuperated to some extent.

The accused is charged with the wilful murder of John George O'Neil, taxi motor driver, on April 4, at Claremont.

Mr. H. Parker and Mr. A. G. Haynes appear for the Crown, while Mr. M. G. Lavan and Mr. J. F. Walsh represent Auburn.

The remainder of the evidence of rebuttal was given this morning.

NO MONEY, NO TRIP.

William Charles McKinley, motor taxi proprietor, St. George's Terrace rank, said that on Saturday, April 5, he saw the accused about 2 p.m. Accused spoke to him. Witness was by himself on the rank at the time accused came up to him. He had not known accused previously. Auburn mentioned his name, and said his father kept the Osborne Park Hotel. He asked witness the price of a trip to Wagin, and witness quoted £20. Accused said he was going to Wagin to see his girl's sister, who was very ill. He wanted to go right away. Witness asked for a deposit on the cost of the trip or for some security. Accused said he could not give him anything at the time, but would give him a cheque on Wednesday morning. Witness replied that he could not take accused without either the money or else security. Before accused came up to witness he saw him speak to Bert Moody and Charlie George. As witness had to go away on a short job, accused said he would go away and try to get the cash and would be back at 3 o'clock. Upon returning from the short job at ten minutes to 3, witness waited for about an hour, but the accused did not come along. Witness had made his first signed statement on this matter to two detectives who came to see him on the Saturday after the murder.

Mr. Lavan: What was the statement you told us you made to the detectives?—It was not a statement. They just came along the rank and asked if anyone had been inquiring about a trip to the South-West.

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Then you say, you told them about this incident?—Yes.

Giving the name and everything else?—Yes.

You are on St. George's Terrace rank. O'Neil was not on that rank?—No.

Can you suggest why the detectives should come along that rank asking if anyone had been inquiring about a trip to the South-West?—Chaps come along to all ranks.

O'Neil was on the Murray-street rank. Can you tell me why they should go inquiring on your rank?—They went along all ranks.

How do you know. Did you see them?—I heard about it.

From that date up to this morning have you ever been asked to remember this conversation?—No.

Do you pretend that your statement as to that conversation is accurate after a lapse of three months?—Yes.

I presume there are numerous people coming to you on the rank from time to time and asking about various trips?—Yes.

Can you always remember three months afterwards what they say to you?—On a big thing like that, you do.

You have had other trips into the country. Take one in the country three or four months ago. Can you remember what was said?—Yes, I could.

You are a marvel. When were you first asked about this conversation?—This morning.

Who asked you?—Mr. Parker.

After further questioning, it was disclosed that the witness meant Mr. Haynes, and not Mr. Parker.

Mr. Lavan: Do you mean to suggest you do not know Mr. Haynes from Mr. Parker?—No.

His Honor: They're like twins. (Laughter.)

Mr. Lavan: Who was present when the conversation on the rank took place?—George Craik, Charlie George, and Bert Moody, and another fellow named James.

The five of you were together?—That's when the detectives came up.

I am speaking of the time when he tried to engage you?—Nobody was present then.

You saw him talking before that to whom?—To Charlie George and Bert Moody.

Were they together or separate?—At separate places.

Would you be surprised to know one of them says, they were both together?—They might have been at one time.

His Honor said that his notes did not contain this statement.

Mr. Lavan: George and Moody were not together?—So far as I could see.

Re-examined by Mr. Haynes, the witness said he was not approached until this morning to give evidence in the case. It was while he was waiting for Auburn to return that the detectives spoke to him. Their inquiries were in connection with the murder and in asking the question whether anyone had been inquiring about a trip to the South-West, they referred to that date (April 5).

THE PIE SHOP.

John Roberts, stereotyper, employed by the "West Australian" Newspaper Company, and residing at 176 Newcastle-street, said he returned to Perth after a holiday in the Eastern States, on April 16. He was a customer at the shop situated at the corner of Beaufort and Newcastle streets. He went to the shop about 3 o'clock on Wednesday afternoon, April 16, and had a conversation with Miss Johnson. She said to him: "What do you think of the murder?" He replied that he only knew what he had read in the Eastern States Press.

ONLY NIGHT AUBURN MISSED.

On the following day he called again about 5.20 in the afternoon with a copy of "The Daily News" in his hand. He said to Miss Johnson: "I see there has been an arrest in the murder case." She replied, "Yes, if it is the young fellow I think it

is, he came into the shop every night for months. A funny thing, that was the only night he missed coming into the shop." Witness supposed she meant April 4. A little while ago he read a report of Mr. Lavan's opening address, wherein he referred to a lady who kept a shop at the corner of Newcastle and Beaufort streets. On that afternoon witness again went to the shop, and said to Miss Johnson as a bit of a joke, "You left me in a fine pickle. Four reporters have been to my room. I thought you told me Auburn was not in the shop on the night of the murder." She replied, "No, it could not have been me. It must have been my sister." Witness had never discussed the matter with Mrs. Luyer.

Mr. Lavan: You swear that on the last occasion Miss Johnson said "It could not have been me; it must have been my sister"?—Yes.

Do you know they are not sisters?—I know now.

Then why should she say that?—She said it distinctly. I understood they were sisters until the lady told me they were not a few days ago.

Is it not an extraordinary thing she should say "my sister"?—They may be sisters-in-law.

You said to her: "I thought you told me Auburn was not in on the night of the murder"?—Naturally I would say that.

Then you have some doubt about it?—No. When I went home that night I said to my wife—

You cannot say what you said to your wife. Did you say to Miss Johnson "Did you give me to understand that April 4 was the first night he missed coming in here"?—Yes.

Then you were not clear about it?—I might have said: "You said," but I was not thinking about what had transpired a month ago.

Did I not put it to you that this implied a doubt on your part as to the conversation?—I have no doubt about it.

But you had a doubt about the conversation?—For a moment.

Do you say that owing to this being a month back it raised a doubt in your mind?—Yes.

THREE MONTHS AGO.

It is three months now. How is it, if you had a doubt at that time, you are certain now? Don't give me any conversation. —When I got home from the shop I asked my wife what I had said—

His Honor: You must not give conversations with other people— Well, I new what the lady said, anyway.

Mr. Lavan: You have admitted you were in doubt when you saw her, and now you say you are sure?—Yes.

What you say she said is "A funny thing that was the only night he did not come into the shop"; but she did not say what night she was referring to?—Quite so.

It might have been the Saturday night?—Yes, or the Sunday night.

Do you go into the shop very often?—Very often.

Did you, after having this last conversation with Miss Johnson, go there to find out whether it was with Mrs. Luyer you had the conversation?—No.

THOROUGHLY RESPECTABLE.

Are you sure you didn't go back for that purpose?—No.

For the purpose of seeing which of them you had been talking to?—I have never had any conversation with Mrs. Luyer about this case. Never a word.

They are both decent women?—As far as I know.

Thoroughly respectable, decent women?—Yes.

Miss Johnson has sworn "I did not say 'Yes, we know that boy well, if it is the one we think it is.' I did not say that the night of the murder was the first night he had missed coming in for a long time"?—I say she said that that was the only night the young fellow had missed.

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DOUBLY SURE.

Did she say the night of the murder?—If you will allow me, I will tell you why I am doubly sure she said it.

Did she say that the night of the murder was the first night he had missed coming in for a long time?—She said nothing of the sort. She said it was a funny thing that that was the only night he had missed for months.

But she did not say "the night of the murder"?—No. I told you that before.

When you spoke to her the second time, didn't she tell you that you were mistaken as to the conversation, and that she had had no such conversation with you?—She said she had never had any conversation with me about the murder at all.

The second time she had no conversation with you about the murder?—She said, "It could not have been me. It must have been my sister."

If Miss Johnson says that she did not have that conversation which you allege took place can you suggest any reason why she should tell such an untruth?—I don't see any reason.

Would not the incident be clearer in her memory than in yours?—Not necessarily.

NO DOUBT WHATEVER.

Mr. Haynes: Have you any doubt whatever that you had a conversation with Miss Johnson about the murder?—No doubt at all.

If she says she had no conversation with you about the murder, will you contradict her?—Certainly.

When she said that that was the only night he had not been in, what were you discussing?—The murder.

Have you ever had any conversation with Mrs. Luyer about this matter at any time?—No.

Would there be any possibility of your mistaking the two women?—There is no doubt whatever. You can pick them out easily.

You say she said "My sister." Had either of them ever referred to the other in that way before?—No, but up to the other day I thought they were sisters.

"DRYBLOWER'S STORY.

Edward Greenslade Murphy, journalist, examined by Mr. Haynes, said he was known as "Dryblower." He knew the shop at the corner of Newcastle and Beaufort streets kept by two ladies. He had been going to that shop frequently for about four years, which period included the time these ladies were in it. He knew the name of only one of the ladies. He remembered Auburn's name appearing in the Press in connection with the arrest. It was a Thursday evening. The date was April 17. He went in to the shop to use the telephone. This was about half-past 7. Both ladies were present, and one of them was reading "The Daily News" while sitting at a marble table, and the other was leaning over the counter. He thought it was the taller of the two who was leaning over the counter.

"A TERRIBLE THING."

He conversed with both. The tall one, who was behind the counter, said, "Isn't this a terrible thing about young Auburn?"

His Honor: Was the lady tall and thin?—No, strong looking rather. (Laughter.) Witness asked, "Do you know him?" and the reply was "Yes, do you?" Witness said he did not, but he must have known him when he was a little boy, because he lived near his (Auburn's) father's hotel.

"A GENTLEMANLY YOUNG FELLOW."

Witness asked what Auburn was like, and the woman replied "A well-behaved, gentlemanly-looking young fellow, very well mannered and nicely spoken." She added that he used to see his young lady home and then come to the shop. He met a lot of young fellows there about the same age as himself, and they sat and had

a chat. Then he went away to his tram. She also told witness that he came in nearly every night.

NOT FOR A LONG TIME.

Witness asked her how long it was since she had seen him, and she replied "Not for a long time." Both the women took part in the conversation, and the word "we" was used very frequently. When witness read the report of Mr. Lavan's opening address, he telephoned Mr. Haynes.

Mr. Lavan: You have seen the evidence of all the witnesses?—No, I didn't read this morning's paper.

Saturday's papers?—No, I did not. I was seeing my boys away to the North-West.

You have been going to the shop for some time and know the ladies pretty well?—No.

You knew them by going into the shop?—Exactly, but I would not know them in the street.

"DECENT, RESPECTABLE WOMEN."

They are decent, respectable women?—I believe so.

You would not go in if they were not?—I simply went in to use the 'phone.

But if they weren't decent, respectable women you would not?—I don't follow you.

If they were not decent, respectable women you would not go into their shop?—How am I to know when I go in to use the 'phone if they are decent women? (Laughter.)

That is not a reply to my question. But it doesn't matter. You are a pretty busy man?—Fairly.

And you are a man who has thousands of conversations with people during a year?—I would not say so.

Perhaps more than any man in Perth?—No.

A LONELY MAN.

You do not think so? Well, they are numerous, anyway?—Well, I am more alone than any other journalist in Perth. I write in a house by myself.

But you are well known. As well known as the town clock?—Ah, yes.

Your memory was first directed to this incident when you saw my opening address in the newspaper. You hadn't bothered about it till then?—You mean I didn't bother about ringing Mr. Haynes.

It would be an incident that would pass from your memory. You didn't think they would be called as witnesses until you saw my address?—All I knew was that they mentioned Auburn.

That is not the question. This was an incident such as would pass from your mind until something occurred to revive it?—It would.

Did it pass out of your mind until you read my address?—No, because the very fact of a young man being connected with such a tragedy fastened it in my mind.

But the important point was that she said he was not in there for a long time. The night of the murder was the 4th. Didn't she say for some time?—For a long time.

Well there is some difference between the 4th and the 17th?—Any child could reckon how much.

EVIDENCE IN MURDER CASES.

I suppose they could, too. Have you ever given evidence in a murder case before?—Yes.

It seems to be a speciality?—Yes.

Have you in any other cases?—Two murder cases.

Ah, I see. Any others except murder cases?—Yes, others.

Tell me any others beside murder cases?—A man driving a cow through the streets, and he was fined £10. I gave evidence. (Laughter.)

E. G. Murphy ("Dryblower"), further cross-examined.

Mr. Lavan: Who, for the man?—No, for the Crown.

Any other?—I have justified character.

Oh, yes. Can you remember any other cases?—No answer.

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All right, this is the third. Now you told us you were on special work that week. Pretty busy, I suppose? What was the special work?—That night it was my verse.

"Verse and worse." When would it go in?—Next morning.

And it did?—Yes, on the Friday. I take it down early in the morning myself.

Did you take it down?—If it was in the paper, I would have.

And if you took it down it would be published?—Yes.

There are intervals when you do not appear, such as last Sunday, for instance?—Yes.

Why?—I was worried over the boys and the North-West.

Is it only worry?—I could not set my mind on it.

Are you sure?—I am certain.

And these occasions are only on account of worry?—I have little worry in my life.

But there are spasmodic occasions when the column is not written by you?—I have missed.

Any special reasons for that?—I got tired and would not work.

"A TRIP TO WYNDHAM"

Not a trip to Wyndham?—I have never been there.

Oh, but you know the joke about the trips to Wyndham. You do "celebrate" sometimes. As a fact, on that Sunday the "verse and worse" was not written by you?—I said if it went in.

I put it to you frankly, are there any times when there are special reasons you do not have that column in?—I have missed now and then.

Do you not miss because of "celebrating" unduly?—Well, I have missed.

Will you swear you did not miss your column that week for that reason?—I will swear it was not on account of that.

Well, what was the reason?—I cannot remember.

Do you swear that for this reason you did not miss on this Sunday?—Yes.

What were you worried about?—My boys were going away to the Nor'-West for the first time.

IRISH WHISKY.

I have heard of men being full of worry out of a bottle?—Yes, but I do not drink Irish whisky. (Laughter.)

Mrs. Luyer has sworn she has never spoken to you in her life?—I say she has.

She says she was not present at any conversation between you and Miss Johnson?—How did she know I had any conversation at which she was not present?

It was suggested to her?—I say she is wrong.

CALL IT WHAT YOU LIKE.

Then you say she is committing perjury?—Call it what you like. (Laughter.)

Did you have two conversations in the shop about the murder?—Yes.

What was the other conversation about?—It was when I gave her the paper with the "eyes" in it.

It is suggested you gave that to Mrs. Luyer?—They were both in the shop. She said, "Have you a 'Sunday Times?'" and I gave her a copy. As I went out of the door, one of them said, "Is that paper for us?" and I replied that it was. She then said, "We ought to take a ticket in Tatt's for having something given to us."

Will you swear that the conversation you allege to have had with Miss Johnson was not on the Sunday morning?—I said it was on Thursday night.

You said you were doing special work on that night?—I said I would be doing it.

That is how you fixed it. One of the ladies also said that Auburn was spoken of as being a nice, quietly spoken young man, and that he used to sit there at night and have a drink?—She showed me where he used to sit.

She said she did not say, "I have not seen him for a long time?"—That does not concern me.

It is now two and a half months since the incident?—What about it?

You told me you remembered accurately the details of the conversation?—Yes, because it was about such a terrible thing.

There was nothing very important in her saying she had not seen him for a long time?—I wanted to find out if he had changed, and said, "What does he look like now; have you seen him lately?"

Can you suggest any reason why she should tell a lie?—No; that does not trouble me.

LOOKING FOR "COPY."

Mr. Haynes: As a journalist, what are you always looking for?—Copy.

Were you not down here every day last week?—Yes, I was sitting at the back of the Court.

You gave evidence in another murder case?—Yes.

Did the accused get off?—Yes. I happened to be in one case because I gave the woman the cartridges with which she shot. (Loud laughter.)

Have you any doubt that one of the ladies in the shop told you he had not been in for a long time?—No; both could hear what was said.

A POLICE CONSTABLE'S EVIDENCE.

Alexander Duperuzel, police constable, stationed in Perth, in reply to Mr. Haynes, said that up to April 6, he had been a police recruit. He knew the shop at the corner of Newcastle and Beaufort street. He was there on May 22 last in plain clothes. Mrs. Luyer asked him what he thought about the murder, but he replied he did not know much about it. She then went on to say, "He was in the shop on the night of April 4." She said he came in about 10 p.m. She also said he came in an hour earlier than usual for some pies, which therefore were not ready for him, and so he took them cold. She said she thought that unusual. Witness knew Miss Johnson by sight. Mrs. Luyer said that Miss Johnson was out visiting on that night, and that Miss Johnson came in after Auburn had gone. Mrs. Luyer also told me that Miss Johnson asked her on that night whether Auburn came in for his pies. Mrs. Luyer said she replied to Miss Johnson, "Yes, he came in an hour earlier to-night, and he took the pies cold." He did not report that conversation.

Mr. Lavan: In fact, I put it to you that the conversation seemed of so little importance at the time that you took no notice of it?—That's right.

How long afterwards were you asked to remember it?—About a month afterwards.

Was it after I had opened my case to the jury and had detailed the evidence which was going to be given by these two ladies?

—No.

Was it not after?—No.

Was it before?—Yes.

Was it during this trial?—Yes.

You see, it was not known that these ladies were going to be called as witnesses for Auburn?—No.

At any rate, when do you say the conversation took place?—On May 22.

Mrs. Luyer and Miss Johnson are thoroughly decent, respectable women?—Yes.

AS A "PIMP."

Do you know that Mrs. Luyer denies ever having had such a conversation with you?—Yes.

She denies the conversation point-blank, and says she was afraid of you?—Yes.

Mr. Haynes: You are at the wrong man, Mr. Lavan.

His Honor: No, Mr. Haynes.

Mr. Lavan: I am not at the wrong man. He was pointed out to her as a pimp.

His Honor: I am quite certain that the witness did not use the word pimp.

Mr. Lavan: I have it here on paper.

His Honor: It must have been suggested to her by somebody.

Mr. Lavan: I beg your pardon, sir. Nothing of the kind. She was asked by Mr. Haynes: "Did you know he was a police recruit and therefore a member of the force?" She replied: "I thought he was a pimp." It will be a matter for comment

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to the jury. (To witness: You said you had this conversation with her, and there was nothing to fix it in your mind. You never reported it. Yet you pretend to remember all about it now?—Yes.

A CASUAL ACQUAINTANCE.

Mr. Haynes: Have you any doubt whatever that the conversation took place?—None whatever.

Is your acquaintance with these ladies casual?—Yes. I have seen them about three times.

You are definite that you were only in the shop on one occasion before, that being May 22?—Yes.

Did you open the conversation about the murder, or did Mrs. Luyer?—She asked me about the murder first.

Mr. Lavan: How often have you been in the shop since?—Once. One day when I was in uniform. I cannot exactly remember the date. I can find out.

Do you remember whether it was since I opened my case to the jury?—(The witness paused.) Before.

You are not sure?—(No answer).

Mr. Haynes: Was it before Mr. Lavan's case was opened?—Before.

Mr. Lavan: Was it during this trial?—Yes.

MISS JOHNSON WAS OUT.

Robert Williams, police constable, stationed at Perth, told Mr. Haynes that in April last he was in the training school as a recruit for the police force. He knew Miss Johnson well, and also knew Mrs. Luyer. He was in the shop one night in April, after the arrest of the accused. It was the Tuesday after Easter Monday, either April 22 or 23. He got there about half-past 10. He was in plain clothes, and he walked with Miss Johnson to Constable Bannon's. By arrangement he waited outside, and then accompanied Miss Johnson back. He was on friendly terms with her. Coming back he had a conversation with her about the murder. She told him that Mrs. Luyer saw Auburn on the night of the murder, that he came in earlier than usual to get two pies, and that on this particular night he could not wait for his pies to be warmed, and said he would take them cold. Witness was in the shop again a day or two later, at about 11 p.m. Both the ladies were present. He asked Mrs. Luyer, "Did you say you saw Auburn on the night of the murder?" She replied, "Yes, I remember it quite well." She also said that Miss Johnson was out at the time. Miss Johnson she said came in later, and after she had been in a while she (Miss Johnson) asked Mrs. Luyer, "Has not George been in yet?" Mrs. Luyer replied, "He came in earlier than usual, and would not wait for his pies to get hot." Miss Johnson heard what was said, but made no comment.

Mr. Lavan: When did you first know you would give evidence in this case?—I did not know it at all. I reported what I knew to the police.

Why, you have been hanging about here for days!—Yes.

When were you first notified you would be called?—Last Sunday week.

After reading my report in the Press, you made the report?—Yes.

Did you go down to Mrs. Luyer and stay until a late hour, knowing they were my witnesses?—I went there.

NOT TO PUMP THEM.

How long were you there?—Until about 1 a.m.

I put it to you straight, that you went there to pump them?—I did not.

They were my witnesses, and you went there to pump them?—I deny that. They were my friends.

Did you make your report immediately?—I made it on the Sunday.

They were your friends. Well, just listen to what Mrs. Luyer has to say about you: "I know a Mr. Williams. I have seen him a few times. I did know he was a police recruit. If Mr. Williams said Miss Johnson said that with regard to his conversation it is a deliberate lie." That is what she said?—Yes.

Can you tell me any reason why she should say that about a good friend like you?—No.

You did not know what was in her mind?—Miss Johnson asked me if I had reported it.

Miss Johnson is a girl you would have us believe is on friendly terms with you. There was no one to contradict your story about going to Bannon's?—No.

Well, just listen to what Miss Johnson has to say. (Mr. Lavan quoted a further extract.) Now, do you still say she discussed the murder with you?—Yes.

Is it not a fact that every time you saw her you tried to discuss this matter?—She told me Mrs. Luyer saw Auburn on the night of the murder.

She says she refused to discuss the murder with you at all?—I don't know what she said.

Mr. Lavan, after reading a further extract, asked witness if he wanted them to believe this was a tissue of lies.

Witness: It is wrong.

She is a decent girl, isn't she?—To the best of my knowledge.

But you know her so well?—I have seen the girl about 30 or 40 times.

You go there a lot and stayed there on this famous morning until 1 a.m.?—Yes.

Will you tell me why she should come in and perjure herself against you in that way?—I don't know.

Why should she say that you constantly tried to discuss the murder, and that she would not discuss it with you, and that you weren't to be trusted?—I don't know.

How long have you been in the force?—I have been connected with the police for six months.

ON AFFECTIONATE TERMS.

Mr. Haynes: Were you on affectionate terms with Miss Johnson?—Yes.

Yet you are a person who was not to be trusted. Did you stay there late at night frequently?—Yes.

How many times after 12 o'clock?—About five or six.

Who would you be there with till that hour?—Miss Johnson.

Did she ever give any indication of being unable to trust you?—She said she had been informed not to trust me and I told her to prove it for herself.

Did you go there that night to pump her?—No.

Purely as a matter of friendship?—Yes.

What did you tell her when she asked if you had reported the conversation to the police?—I said I had not done so. She told me not to say I had been there that night; that is last Saturday week.

AUBURN ON THE TRAM.

Norman MacKenzie, recalled, said he was driving the tram to Osborne Park on the night of April 4. Accused travelled out to Osborne Park on that night. On other occasions witness had seen him with bottles under his arm, but had not seen him with one that night. If there had been a bottle under accused's arm witness was sure he would have noticed it, because he walked as far as the hotel with him, and he had both his hands in his pockets.

Mr. Lavan: You could not remember whether the accused had his overcoat buttoned or opened?—That is so.

You were not taking much notice of him?—Not a great deal.

Did he not practically every night take home some bottle or parcel?—Yes.

Might he not have been doing so that night without your noticing it?—He could not have been carrying anything without my noticing it.

Will you swear he had no bottle that night?—I swear I did not see one, but I do not know what he had under his coat.

NO BOTTLE VISIBLE.

William Patrick Leen, recalled, said he was travelling on the back of the tram on the night of April 4 when Auburn boarded it. Witness was standing facing the centre of the car, and accused practically brushed against him as he got on.

There was sufficient light on the back platform to read by. Accused may have been carrying a bottle, but if so it was not visible. He might have had the bottle in one of his pockets. I could not have helped seeing it if it was visible. He had no bottle under his arm that night so far as witness knew.

Mr. Lavan: Will you admit the possibility of his having had a bottle under his arm without your having seen it, as he was standing in the far corner where there would not be too much light?—There is a glass on the back of the tram, you know.

For the sake of argument, assume that the overcoat was open, could he not then have had a bottle under his left arm without your seeing it?—Then I would have seen it when he was getting on.

When were you first asked about this parcel?—Two or three days ago.

Will you swear on your oath that Auburn did not have a bottle on this occasion?—It could have been there without my seeing it.

There was nothing that particularly directed your attention to Auburn that night; you did not see whether the overcoat was open or closed, and therefore you didn't take much notice of Auburn?—I didn't.

Then might he not have had a bottle under his arm?—There is a possibility.

Mr. Parker: Have you ever seen a man carry a bottle up right under his arm?—I don't think I have.

If Auburn had been carrying the bottle crossways would you have seen it?—I would certainly have seen it when he was getting on the tram.

You specially watched Auburn because he was wearing an overcoat on a hot night?

Mr. Lavan: That is not re-examination.

Mr. Parker: The accused said he was carrying the bottle under his arm with his hand on it, by the neck. Was he in such an attitude at all on the tram?—I don't know.

Did you see him hold the neck of the bottle?—No.

MR. LAVAN OBJECTS.

Mr. Lavan objected.

His Honor: Wait a moment.

Mr. Lavan: Surely I have the right to object?

His Honor: You have, but you can wait and give other people a chance.

Mr. Lavan: Well, your Honor—

His Honor: Sit down!

Mr. Lavan: May I make an objection?

His Honor: Presently you can.

Mr. Parker (to witness): If the accused had been standing that way, would you have seen the parcel?

His Honor: Mr. Lavan, do you object to that?

Mr. Lavan: The question was not put that way before, and your Honor would not listen to me.

His Honor: Both you and Mr. Parker go on disregarding me while I am taking down answers to questions. It has happened right through this case.

A MATTER OF COURTESY.

Mr. Lavan: The only time for me to object to a question which is improper is before the question is answered. I jumped up to do that, and I am sorry to say that your Honor did not treat me with the courtesy that I am entitled to as a member of the Bar. The Bar is entitled to courtesy and consideration, the same as the Bench is.

His Honor: You are entitled to courtesy, and you always get it.

Ultimately Mr. Justice Draper decided that Mr. Parker's question to the witness was one for the jury to answer.

Mr. Lavan said that immediately before that the witness said he did not know whether he (Auburn) held a bottle by the neck under his arm.

Mr. Parker asked leave to put this question to the witness to find if he had.

Witness said he did not see Auburn holding the neck of a bottle.

Mr. Lavan: Did you say beforehand that you did not know?

Witness said he did not recollect having said that distinctly.

His Honor: Anyway, my note is: "I did not see him holding the neck of a bottle."

The Court adjourned for lunch.

COUNSEL'S ADDRESS.

MR. LAVAN FOR THE DEFENCE

Mr. Lavan directed his attention to the address to the jury immediately after the luncheon adjournment.

After outlining the charge against the accused, he said he felt there was no need for him to impress upon the jury the serious nature of the charge they had to try, and the very grave issue involved. This was no ordinary case. A man's life was in their hands. It devolved upon the Crown to prove to their entire satisfaction the charge against the accused before they could find him guilty. This proof must not be by theory, by suggestion, by innuendo, or by suspicion. It must be

Proof Absolute and Convincing.

and leaving no doubts in their minds upon the question. If they had the slightest reasonable doubt they were bound by law and their oaths to give the accused the benefit of it. It was the proud boast of Britishers that their administration of justice was the purest of the world, and that every man who found himself in the criminal dock was presumed to be innocent until he was proved to be guilty. In other words, the Crown must prove affirmatively, without a shadow of reasonable doubt, that it was the accused's hand, and his alone, that took the life of that unfortunate man, John George O'Neil. It was equally a proposition of British law that if there

Any Reasonable Doubt

in the minds of the jury, or if the Crown had failed to convince them, they were bound to give the accused the benefit of such doubt.

This was no ordinary case of murder. There had been a brutal and most callous crime. There was no question here as to the degree of crime. It was not a question of murder, or manslaughter. There was no question of sanity or insanity. The whole question they had to try was one of wilful murder, or nothing. There was no intermediate course for them. The crime was of such a nature that the person convicted of it was very unlikely to have any mercy extended to him. He felt in no unmeasured degree a great, serious, and

Terrible Responsibility

resting upon his shoulders. Ever since the accused had been arrested, and following the inquest and the preparation of the case, he and his colleague, Mr. Walsh, had undergone a burden that God knew he hoped he would never have to undergo again. Both he and his colleague, so to speak, had the life of this man in their hands. Members of the jury would understand the anxiety of counsel, and that for the accused it was a matter of

Life or Death.

One question, improperly asked, or one question left unasked, might make all the difference in the world. For that reason they could imagine the grave and serious responsibility and continual anxiety which he and his colleague had endured. If that anxiety was so great with them, how much more must it be with the jury. For the reason that after he had finished his address he could say, thank God that he had done his best according to the poor ability given to him. The burden then shifted from his shoulders on theirs, for it was their voice that said at the finish either that the accused left the Court a free man, or went to a

Horrible and Degrading Death

on the scaffold. The case had occupied a period of nearly four weeks, and he would say had brought a great deal of anxiety to the jury, yet

they had given it and its multifarious details the greatest attention. Something over 70 witnesses had been called, and he could imagine how trying it must have been, and what their responsibilities were, in having to sit and listen to its ramifications. For that reason, perhaps, it was more difficult to them. While he was fighting and working, the time, although the anxiety still persisted, did not press so heavily, but the jury had to try and assimilate the evidence and the important issues they had to decide. He thanked them for the close attention they had given.

It was a matter of regret to him, and no doubt to everyone, that the case had occupied so much time, for they were cut off

For Nearly Four Weeks

from business, home, family, and amusement. He was confident they would try and bring to bear upon this most difficult and important case, all the intelligence and every thought they could give to it, and above all things, bring to bear on it their sense of justice, fair play, and righteousness in the highest degree. He said with the greatest confidence that he had ever experienced a case which had lasted so long, or caused so much public comment and anxiety. Unhappily, in many instances, some of them to their own knowledge had heard unfair and unprejudiced rumor and comment. He begged of them to eliminate from their mind everything they had heard and read outside of the Court. Rumor was always described as a lying jade, but rumors had been cast broadcast through the country ever since the arrest of the accused. The

Tongue of the Slanderer

and the gossip monger had been a power in the land and the most shocking statements had been made of Auburn and honorable men in the State. It seemed indescribable that some people could start these awful rumors. The minds of some of them must be dirtier than the filthiest sewer they could imagine. Not alone was the tongue of the slanderer and gossip monger busy, but, he was sorry to say, a section of the Press in this State had not been altogether fair. The Press was a great power for good or for evil, and fortunately, taking it as a whole, the Press had exercised its power for good, but they would find the irresponsible journalist, the man who dipped his pen in gail, the man who was ready, for the purpose of selling his paper or making some excitement, to listen to the filthy rumors, and publishing them openly. Fortunately, they were few and far between, and he was indebted to the great majority of the Press for the fair attitude they had taken to the accused man. Some of them had appealed for British fair play and justice, and that was all he asked.

He did not want the jury to think he insinuated they were

Biassed or Prejudiced,

but the human mind was very receptive, and it was difficult when they heard rumors going about, some of the most ridiculous nature, to keep them out of their minds. In one paper in this State "this unfortunate boy" was absolutely tried and condemned, but the offender had had to pay the penalty for doing it. He advised the jury to shut out of their minds those scandalous rumors, and to judge the accused on the evidence given, without fear, favor or affection towards any man.

A chain of evidence which nearly 80 witnesses had attempted to forge must be a continuous and a strong chain, a chain without flaw or weak link. The jury's duty would be in every way to test the strength of the chain. Throughout this case there was

Not One Titbit

of direct evidence upon which the accused could be convicted. The whole case was one of circumstantial evidence only. Some descriptions of circumstantial evidence might be regarded as very convincing and very complete, but the circumstantial evidence here was not of that class, or even within miles of that class. The most dangerous evidence upon which a man could

be convicted was circumstantial evidence of the kind brought forward in the present case. No doubt Mr. Parker would tell the jury that circumstantial evidence was convincing evidence. He (Mr. Lavan) denied that contention, since it amounted to a declaration that the human intellect was infallible. Members of the jury must have known or heard of improper cases of conviction on

Circumstantial Evidence,

even cases where men had lost their lives owing to circumstantial evidence, and had afterwards been proved innocent. Where a case of circumstantial evidence depended upon the linking together of isolated pieces of testimony, such evidence was the most dangerous evidence upon which a man could be convicted. Circumstantial evidence must be quite inconsistent with the innocence of the accused person, and such as to render it impossible, in the minds of the jury, that anyone except the prisoner had committed the crime.

The present case presented

Many Extraordinary Features,

but there were two features which he wanted them particularly to remember. Firstly, there was not a scrap of evidence of any kind whatever that in all his life the accused ever knew or ever saw or ever spoke with the murdered man. That was a feature of the utmost importance. He was never known even to have spoken with John George O'Neil. O'Neil, as they knew, was a man who plied his calling on a public rank. They would remember the witness who gave evidence about the identification of the body saying there were always about four men on that rank. Was it not extraordinary, then, that if Auburn did go to employ O'Neil that there was not a single witness saw him speak to O'Neil? He (counsel) would show from other sources that it was not Auburn who engaged the unfortunate man. The second point was the

Entire Absence of Any Motive

that would appeal to any man outside the four walls of an asylum. Mr. Parker had told them, and he was right, that it was not necessary to prove a motive. That was so. There were very few crimes that required any motive to be proved by the Crown. A man stole, or a man committed a wrong offence in respect to women, a man sets fire to his house or someone else's, and in a thousand-and-one cases it was not necessary to prove motive. He did suggest that, while it was strictly not necessary for the Crown to prove any motive, they as 12 sensible men would ask themselves in that case where life had been taken what on earth was the motive to suggest for this crime. Mr. Parker, however, said that he would supply a motive.

Mr. Parker: No. I said the jury would see it.

Mr. Lavan said Mr. Parker had said it was not necessary to supply a motive, but that they would see one. Counsel did not know whether he was dense, but he failed to see any motive that would appeal to children of 10 years of age. The Crown said that this unfortunate lad—he was only a boy—wilfully, brutally, deliberately and

Callously Murdered O'Neil.

He said fearlessly that there was not a scrap of evidence to support that charge. There would be plenty of theory and suspicion, but there was not a scrap of evidence to justify them taking away his liberty or his life. The only motive there could have been was that Auburn was unfinancial, that he wanted a car to go to Wagin, and because he was unfinancial and unable to get a car that he most brutally and foully murdered a man. Did they ever hear such rubbish in their lives. They knew that there was not a day in the week when cars were not stolen in the streets of Perth, and taken away for a day, two or three days. If any one of the jury felt inclined to take a car they might not be able to do so. They might not know the modus operandi, but there were unfortunately a lot of people who did. Auburn had had

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Four Years with Winterbottom's.

Could anybody ask them to believe that Auburn, who wanted to go away for one day to Wagin, not to Broome, or Marble Bar, wanted the car for 24 hours, was going to take a man out and brutally murder him? He could have gone out and taken a car off any of the ranks without bother or difficulty. He ventured to say that was the only motive Mr. Parker could suggest. He said it would not appeal to any twelve men

Outside an Asylum.

The cost of the car to Wagin had been quoted by one man at, counsel thought, £17, and by another at £19.

Would anyone dare to say that, for the sake of a one-day trip to Wagin, at a maximum cost of £19, the accused would have committed murder? Auburn had been able to have a car, and could have got the money from his father. His father had paid money for him at other times, and said he was prepared to give him a cheque for £21 on his birthday, but the boy would not take it then. The father also said his son could have had money at any time he liked. The fact was Auburn Did Get Credit.

The jury must remember that he could have taken a car off the streets of Perth, that he could have got credit on the other hand, and that he could have got the money from his father. Bearing these things in mind, were they going to believe that the boy sitting in the dock deliberately, brutally, and callously took O'Neil out and battered him to death for the purpose of obtaining a car for a 24-hour trip to Wagin? It

Made a Man's Blood Boil.

to think that such a suggestion should be made by anyone. There was not a scrap of evidence that the accused knew O'Neil. There was an entire absence of any motive that would appeal to the veriest schoolboy. The jury would agree that a man would have to be something more than human if he attempted to deal with the mass of evidence in the case.

He would try to put before them, however, all its salient features. They had been in the Court a long while, and he had no desire to waste their time. They must recognise the responsibility which rested upon him, and bear with him if he detained them longer than they wished. That would not be his desire, and he would thank God, for his own part, when the case was over; but he had a duty to perform, and would carry it out as speedily and carefully as possible. After he had reviewed the evidence and made his comments upon it, he would give the jury a resume of the points, which he was satisfied would show conclusively that the

Crown Had Entirely Failed

to prove its case, and that the accused was entitled to their verdict. He was not a superman, and did not pretend to be able to deal with every bit of the evidence, every dotting of an "i" and crossing of a "t." Moreover, they had heard it for themselves, and were the judges of it. His Honor's authority on the question of the law was absolute, but on all questions of fact the jury were the sole judges. They were not bound to accept the facts from anyone.

The history of the case really dated back to three weeks prior to the murder. Auburn, who was a friend of the Moirs, had arranged with them that there should be a

Motor Trip to Wagin.

and the date fixed was April 5. It was only to be a one day trip, and it had not been denied that Auburn said he would borrow a car. The reasons were clear enough. It might not be a thing which the jury would do, but they could not all judge other people by their own standard. Auburn knew the Moirs would object to going to Wagin at his expense, if they knew he was intending to hire a car. In order to put them off he told them three weeks before the murder he intended to

Borrow a Car.

This was born out by Miss Sadler and Moir. It was important to remember that

the constitution of the party had been fixed a week before April 5. It was to consist of Mr. and Mrs. Moir, Auburn, the two Misses Quigley, Miss Sadler and three children. There were no less than six adults and three children, exclusive of any driver who might be there. He wanted to use that for this reason; in the early stages of his opening he thought he convinced the jury Auburn was not the man who ordered O'Neil's car. They knew the car was ordered on the Thursday. He had already shown that O'Neil was on the rank, and not a soul saw Auburn speak to him. One of the most

Convincing Pieces of Proof

that it was possible to get that the hirer was not Auburn would be explained. The jury would remember that O'Neil, when getting ready, had the two dicky seats removed from his car. That was not done without reason, and as Mr. McCallum (his father-in-law) had stated, the car in that condition would only hold four people and the driver. If Auburn, knowing a week before that there were to be six adults and three children making the trip, engaged this man's car, why were those seats taken out? Whoever engaged O'Neil must have stated that only four were making the trip. Was it not clear that it was not Auburn whoever engaged O'Neil?

It was abundantly clear that the car was ordered by somebody for a long journey. They would recall the evidence given as to the preparation. Everything done was such as to suggest

An Extended Journey.

Was it ever in the contemplation of Auburn or the Moirs and Miss Sadler that they were to be away for more than 24 hours? Did it not appeal to the jury's reason and intelligence that for those reasons Auburn could not have been the man who hired the car? He would proceed to discuss the week of the murder. It was unchallenged that on the Monday, Tuesday, Wednesday and Thursday Auburn was at Moirs, and that it was between 11 and 11.30 when he left on those nights, and it was his practice to get his pies at the corner shop and catch the tram. Those four nights were very important. When they examined the evidence of Cecil White they would realise this, because counsel would convince them absolutely that Cecil White was on the tram which Auburn boarded on the night of April 4, and that it was that night and none other that he

Loaned Him the 2s.

He would give his reasons, which were unassailable and unanswerable. Cecil White was an honest witness, who would not say for him (Mr. Lavan) or anyone else that it

was that Friday night he loaned me money. He said he shifted from Osborne Park to Melrose-street on March 31. He did not come into town that night. He went in to town on the 1st, 2nd, 3rd, or 4th, and only on one of those nights, did he see Auburn. The night he did he loaned him 2s, as he alighted at Melrose-street. Every night with one exception, and that was that night, White said he picked Auburn at Luyer's corner. The first he saw of him was when he came out of the car to the back. Was it not plain that if Auburn was at Moir's on those four nights and caught the late tram, he would have had to board it at that corner. The jury knew the shopkeeper said he was there and caught his tram there except on this Friday night, and White said the only night he loaned him the money, he was not at that corner.

2/7/24

After our last edition went to press yesterday Mr. Lavan continued his address in defence of George Auburn in the O'Neil murder trial. Mr. Lavan said:—

The jury would remember that in reply to a question from his Honor, White said that he had got off the tram at Melrose-street only on one night this week, and had never got off the tram at Melrose-street on any other occasion. Therefore it must have been that Friday. If the jury believed that, and he would ask them to believe it, he would be able to show that a great many of the suspicions of the Crown were

Smashed to Smithereens.

White, like an honest witness, had corrected a mistake he had made when giving a statement to the detectives. Next, as to the list given by Auburn of people on the tram. Auburn mentioned the name of Leen, Eddy Sen, M'Kenzie, and Jack Gardiner—all four absolutely accurate—and he also gave the name of Cecil White. Would Auburn be right in four instances and then wrong in one?

The next point of importance was the question of

The Number Plates.

No doubt a great deal would be heard of those number plates from Mr. Parker, who passed a remark to his Honor that they were of great importance. It was not denied that number plates were ordered. Whether they were ordered on the Thursday or the Wednesday was immaterial to the case. On the evidence of Mr. Nelson and Miss Place, Auburn was wrong in saying that they were not ordered on the Thursday. The jury, who had seen the car of Mr. Auburn, sen., would agree that undoubtedly one of the plates on the car would tear one's clothes. The father, who had been in the witness box and who seemed

An Honorable Man.

declared that the boy had said he would give him (the father) a new set of plates. The Crown would place a guilty construction on the ordering of the plates. Mr. Ramsay, who was called in the lower Court by the Crown, was not called here, was a friend of the father's for many years, and had known the son since he was a boy. Unless George Auburn was stark mad would he, wanting number plates for an improper purpose, go and order them from Ramsay, a man who had known him since childhood? There was no secrecy or concealment of any kind in the matter. Ramsay referred him to the well-known firm of Abbott and Rich. Auburn said to them, "Let me have the plates as soon as you can"—which was common in the case of people ordering plates.

The number plates bore the number of his father's car. Would the jury accept, even for one moment, the suggestion which would be made to them that this boy had in his mind on that Thursday an intention to murder somebody in order

To Get Possession of a Car?

And, similarly, regarding the further suggestion that he was so low, so devoid of all sense of decency, as to order plates with his father's number, when, if he wanted to get duplicate plates, for an improper act, he could have got them made to his (counsel's) number or to the number of a member of the jury.

Then it would be suggested to the jury that, for the sake of one trip to Wagin, Auburn got these number plates to assist him in the commission of a most awful and brutal crime. He was only to be away for 30 hours. It was not as if he were going away for three weeks or a month. The suggestion of the Crown would be that for the sake of that, practically one-day trip, the number plates were obtained. Where could there be surer detection? The car had to come back to Perth within 30 hours. On the Thursday night Auburn was at the theatre with Miss Sadler. He made no

secret of the number plates. He asked her that night at the theatre to call next day at Abbott and Rich's and obtain the number plates. She stated in evidence that Auburn had said something about working at Fremantle, but in cross-examination she would not stand up to that.

The Thing was Absurd.

because she must have known that Auburn had no work to do at Fremantle; he was seeing her every night. Auburn says he never said that, but he admits having spoken to her about the plates and having asked her to get them next day, as he did not think he would be in town. He asks her to bring them up next night, and says that he would come up with the car and stay.

This question of the car, this talk of borrowing a car, was camouflage, because Auburn knew that the party would not come if he told them he was going to hire a car. On the Friday afternoon he had come into town with his father. Auburn was pressed by Mr. Parker as to why he did not get the plates himself that afternoon, and his reply was that he thought Miss Sadler might have called and got them. He wanted to point out that Auburn would have gone and got them himself if they were wanted for an improper purpose. Did they think he would have told Miss Sadler? Did they

Think He Was Mad?

There would have been no concealment, because she got them and charged them to George Auburn, jun., Osborne Park.

That finished Thursday, and they now came to

Friday, the Important Day.

Let him point out that on that day O'Neil left home on the Friday about 7.20 to keep his appointment with his passengers. He (Mr. Lavan) had before impressed them that the two dickey seats were taken out of the car. They did not know the place or time of the appointment. Auburn was up at North Perth until 7.40, and as he had pointed out to them, O'Neil had left prepared for a journey of several days' duration. If he (counsel) had one regret it was because that woman—that is, the wife of O'Neil—had to be put in the witness box. He was sure that she had from all those present in Court the deepest sympathy. He was sorry she was put in the box, as it was entirely unnecessary. The evidence of the garage owner and of her father, Mr. McCallum, was sufficient to establish that he was going away on a journey that would take several days.

Auburn was home nearly all day on the Friday. He left home, he told them at 6.15, arriving at Moir's at 7 or a little after. He told the police in the first statement with which counsel would deal later on that he left home at 6.45. That was obviously wrong, because if it were so he could not be at Moir's at 7. That showed that he, like everybody else, was not

Reliable About Times.

and he (counsel) would show that in other instances too. When he came into the house Moir was in the bathroom. Auburn threw his hat on the baby's chair, went to Miss Sadler in the kitchen, and remained there according to her until 7.40.

Evidence was sought to be produced to suggest that he brought into the home of these people, his friends, the lethal instrument with which he was going to commit a murder. He took with him for everybody to see

An Iron Bar!

The Crown was not content with that, but had the effrontery to suggest about a parcel under the bed. After he came back from Wagin, after taking it to Moir's, he obligingly puts it under the bed for the housemaid to find. It was theory and theory only. Miss Sadler said she could not say that he brought anything in, and he asked the jury to believe that, because it was incredible that a man would bring to the house of his friends the weapon with which he intended to

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Commit a Callous Murder.

He and Miss Sadler were not very good friends that night. It was sworn to by three witnesses, Miss Sadler for the Crown, Auburn and Fred Moir, that on that night Auburn wanted her to go into town with him, and she refused. He asked the jury to remember that. The statement was not contradicted or even challenged by the Crown. Let the jury ask themselves the question, would he have brought that weapon and planned to do that deliberate murder? A fool would not believe such a thing. Was he going to take this girl to town to assist him or watch him while he committed the murder? He (Mr. Lavan)

Viewed This Admission

by Miss Sadler as one of the most important features of the case, and again he asked the jury to bear it in mind. Miss Sadler said she was not sure that she gave Auburn the number plates. She got them on the Friday and took them home. Fred Moir was positive that Auburn went away without any parcel with him. Auburn could not have hidden a bar of iron or number plates in his pocket. They must have been seen if he had them. It must, therefore, be evident that he left the number plates at Moir's that night.

Auburn did not return for the plates and there did not appear to be any hurry about them. He spent most of the following week with the detectives, and was arrested and had been in prison since the Wednesday following. It was true he was at Miss Sadler's on the Sunday night for a moment or so, and that he was also there on Monday and Tuesday for a little while. On the Wednesday Miss Sadler

Went to Wooroloo.

Auburn says he forgot to inquire about the plates. Had he been going to use them for an improper purpose, would he have ordered them from Ramsay, who was well known to his father, or from Abbott and Rich, who also were well known? Would he have let Miss Sadler know about them? Would he have not kept them to himself, or even have gone to the length of stealing plates? It would be idle to suggest that the plates were obtained for any improper purpose in view of the short duration of the trip, and all the circumstances.

Miss Sadler was a Crown witness. On one occasion only was she allowed to be

Treated as Hostile.

She was asked about the conversation between herself and Auburn, on the telephone from Wooroloo. She was not quite clear about it. His Honor allowed Mr. Haynes to put the depositions in her hands, and to ask if it was not the evidence she gave in the Coroner's Court. At once she had said "Yes." She could not be expected to keep all those things in her mind, and his Honor properly allowed Mr. Haynes on that one point to treat her as hostile. She was, however, a Crown witness, and Mr. Parker must accept her evidence. She said the suit of clothes Auburn was dressed in that night was the suit he was wearing in the dock on that day. She also said he had another blue suit he had not worn for some time, and the other suit had

The Jigger Button

off it. The only other suit that could have had a jigger button off was the washed suit, because the old coat never had a jigger button at all. There was not one scrap of evidence, shape or make, that the suit of clothes Auburn was wearing that night was the washed suit. It was a very important point, and he challenged the Crown Prosecutor to point his finger to any such evidence. They would have plenty of theory and suspicion, but he had yet to learn that under our system of justice any man could be convicted on theory, suspicion, or innuendo.

Auburn left the Moirs' at approximately 7.30, and they had been told it would take him about 10 minutes to reach town. Auburn said he went

To the Grand Pictures Alone.

Counsel asked the jury, in the absence of any evidence to the contrary, to accept that statement. At continuous picture shows a person could enter and leave in the dark, and he asked the jury if they had not been to picture shows where they had seen no one they knew. Auburn said he left when the part of the picture which was showing when he entered was again reached. Counsel had not called a single witness who saw him at the theatre that night. He had asked the jury if it had been their experience at night to go to a place of amusement, and so far as they could, remember not seeing anyone of their acquaintance. Had counsel been fortunate enough to secure any person who would come forward and swear they saw Auburn at the theatre that night, what would have happened? It would have been told them unquestionably that the evidence was "rigged." The jury saw the way the

Two Decent Women

who had been honest and open enough to come forward in the defence of Auburn had been treated. They had the two thimbles and the pea over again. If they had produced a witness who saw him he would be branded as a liar, whereas as they did not bring one forward they considered that he could not have been at the theatre.

If Auburn wished to put up a false defence could it be suggested that there was not someone in this town who could have been prevailed upon to come forward and say they saw him there that night. Auburn left the theatre and went to Mrs. Luyer's shop. They saw those two women in the box. Counsel did not care

A Snap of the Fingers

for the evidence of the two police recruits and of Mr. Murphy—the gentleman who was a specialist in giving evidence in murder cases. The jury, who had seen the two ladies, were just as good judges of human nature as anybody else in the Court. Those two witnesses were not spared in cross-examination. The Crown spared nobody on the side of the defence in this case. The defending side was in quite a different position, fighting for a man's life. Counsel left the judgment of these two women to the jury's good common sense. There would not be a man amongst the jury but would implicitly believe the evidence of the two women, police recruits and Mr. Murphy notwithstanding. What on earth would be the object of the two women in coming forward and committing perjury? Even the witnesses against them had to admit that they were decent, honest, upright women. They knew George Auburn well, because he was an everyday customer over the counter. The two women

Unsolicited and Unsought,

of their own free will, in the interests of justice and humanity, came to him (Mr. Lavan) when they saw his advertisement; and so they told him their story. Could it be suggested that the two women would commit perjury without fee or reward? In one instance the Crown Prosecutor had sneeringly remarked that a certain witness for the defence would get his witness fees.

Mr. Parker: I hope he will.

Mr. Lavan said that was a cheap sneer. Any witnesses he had subpoenaed would receive their fees if he had to pay them out of his fee. But there was

No £500 Reward

hanging at the end of a string for the witnesses for the defence. It was unpardonable for anybody, and especially one who held the position of Crown Prosecutor, to suggest that because a witness was to get witness' fees and witness' fees only, he or she would come into Court and commit perjury for the sake of

A Casual Boy.

The two women had known George Auburn for not more than one month prior to the tragedy. All honor to them for honestly

coming forward to state what they knew. They were brave women, knowing what they would have to face here. They were noble women, who did their duty without hope of gain. What was their evidence? That on every night since they took possession of the shop, early in March, George Auburn came in and got his two pies on order and a bottle of lime juice and soda; that he came in every night between 11 and half-past; that he used to wait there and catch his tram at the corner. Obviously the corner would be the place where he would go. Cecil White had sworn that every time, without exception, when George Auburn got on at that corner with him, Auburn had his pies and his bottle. So there could be no question about that.

This Friday night, however, Auburn came in at 10 o'clock for the first and only time. Mrs. Luyer passed a remark to him. She said here that she was taken by surprise, that she thought the night had slipped on her when Auburn came in. So naturally she says she looked at the clock, wondering what on earth had gone wrong, wondering whether she had allowed the time to slip. Auburn had two pies on order, to be put on at 11 o'clock for heating up. Naturally, when Mrs. Luyer saw him walk in for his order, she wondered what had happened; and, therefore, she looked at the clock, and noted that it was

Ten Minutes Past 10,

the clock being generally 10 minutes fast, though not more. There could be no doubt about that being fixed from memory. Miss Johnson was there; Miss Johnson had sworn. Counsel would deal later with the evidence of the recruits who had come into Court to endeavor to sidetrack that issue. Mrs. Luyer said "You are early to-night, George;" and he passed some remark she could not remember. She had to give him his pies cold. She also gave him his bottle of lime fruit juice and then he went away. So far as Mrs. Luyer and Miss Johnson were concerned, that was the end of it all. They heard of the murder next day. Auburn did not come in on the Saturday night for his usual order, nor on Sunday, nor on several days subsequent to Sunday. The two ladies wondered at this and said "Why, George was not in last night. What is the matter? Did we offend him about anything?" As he continued not to come in, they kept discussing the matter. There could not be any doubt about it. It was not

An Admissible Mistake

that the last night Auburn was in that shop at 10 o'clock was the night of Friday, April 4. That evidence was of extreme importance—one of the most valuable pieces of evidence in the whole case.

Unhappily there was no evidence in this case to point to what time the murder took place. The police found the body floating in the water at half-past 10 on Saturday morning. Unfortunately, a doctor was not immediately sent for, as there should have been; and the doctors did not see the body until many hours afterwards. As a fact, they did not see it until Sunday at the morgue. The omission was most regrettable, seeing that human life was at stake. Had the doctors seen the body shortly after it was found, they might have been able to determine on medical grounds how long it was since the man had been killed. They might have been able to determine that from rigor mortis or other indications. However, they did not get the chance. But let the jury call to mind

Mr. Tracy's Evidence.

He said that from 20 to half-past 10 he was passing the King's Park gates at Rokby-road, when he saw a car coming towards him. It was being steered erratically, and he, though he could not see who was in it, took particular notice of it. It was common ground that it was O'Neil's car. The Crown recognised the importance of the evidence regarding Luyer's shop, and tried to break it down. If Auburn was in that car—and he would

have been if he committed the murder—he could not have been in Luyer's shop. It was the Crown's theory that that car was tearing home from the murder, and that it was abandoned in Vincent-street at 11.5 p.m. It could not have gone out again and be back at 11.5 p.m. The Crown worked on this theory: that the murder was committed before 10.30. If it was, whoever committed it was in the car. There could be no question about that. It was as plain as that two and two made four that Auburn was not and could not have been in the car which admittedly Tracy saw passing King's Park gates at 10.25. When counsel came to deal with the theory with regard to the car being abandoned in Vincent-street at 11 to 11.15, he promised the jury to

Shatter the Whole Argument

of the Crown to pieces. Furthermore, he would say that by a detective or somebody working up the case, the evidence of Gobbie and the boy, Skilkin, and Banks—evidence given to the police—had been withheld until the defence located it. Why should it be? For the reason that it did not fit the bill.

The theory put to the jury would be that Auburn did not walk out that night, as he alleged, the reason put forward being that he bought the goods at Golding's later on. He told them that himself, and that was the reason they would treat it as a fairy story and all bunkum. The Crown went further. They wanted the jury to swallow this: That Auburn abandoned the car at 11.15, walked to the tram line, and got on to a car, of all places (when he could have gone out into the bush), and put an overcoat on himself to hide his bloodstained clothing. That had been the suggestion right through. He (Mr. Lavan) would show what the change of front might be. The Crown asked the jury to say that Auburn boarded two trams that night, saturated with his victim's blood. The ridiculous part of it all was that he was alleged to have got out of the tram, gone into a fully lighted shop, bought fish and chips, the while he was

Died With the Blood

of his victim. Did they ever hear of, or read in any detective yarn or Deadwood Dick story any such theory upon which to take the life of a man who was their brother and his?

The Court adjourned at 4 o'clock.

MR. LAVAN RESUMES.

Resuming this morning, Mr. Lavan said that, leaving Auburn out for the moment, the evidence of Miss Sadler and of Mr. Moir was clear on the point that Auburn was not definite, when leaving the house on that Friday night, whether he would return. According to Mr. Moir, Auburn had on previous occasions been asked to stay and had declined to do so. With regard to the suit Auburn was wearing on the night of the murder, Miss Sadler said it was the suit now worn by him in the dock. The other blue suit, she said, he had been wearing for the last three weeks, and she spoke about

A Link Button

being missing from that suit for some time before she last saw Auburn wearing it. To Mr. Haynes, in examination in chief, she said something about having stated to him that that button was missing, and she said to him here, "Why haven't you asked me about the button? I told you all about it in the Crown Law Department?" That button had never been brought out in examination, and counsel ventured to think that if the button had not been brought out in cross-examination, it would not have been brought out at all.

If there were witnesses on the side of the prosecution, and on that of the defence

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Who Deserve Belief.

they were Miss Sadler, Mrs. Luyer, the milkman Gobby and that intelligent boy who was with him. The Crown saw the extreme value of the evidence of Mrs. Luyer and Miss Johnson. If the evidence with regard to Auburn being in their shop at 10 o'clock on the night of Friday, April 4, was accepted by the jury—and he ventured to say it would be and must be—then the whole Crown case fell to pieces. If Auburn engaged that car and was in the murder, he would undoubtedly have been in the car at 25 minutes past 10. If the car came back to town, then it could not go out again, do what was alleged and be back in Vincent-street at anything from five minutes to a quarter past 11. And that was the Crown's theory. It would be interesting to see how the Crown would now try to shift its ground regarding that phase.

The first witness in rebuttal was Mr. Murphy, known generally as "Dryblower."

Counsel thought he could safely leave "Dryblower" to the jury. (Laughter.) Murphy made a specialty of giving evidence in murder cases, and counsel could suggest nothing more or less than that Murphy was actuated by a desire for notoriety, a longing for limelight. The alleged conversation happened as far back as April 17, according to Mr. Murphy. Murphy had the impertinence to go into the witness-box and tell the jury that after a lapse of three months he could remember the details of the conversation. Let the jury ask themselves as men of the world, whether they would recall the details of a conversation three months old. Murphy alleged that he had discussed the murder with both Miss Johnson and Mrs. Luyer, and that Miss Johnson had said Auburn had not been in for a long time. It had

Never Been Challenged.

at all events not in this Court, that Auburn was in there at any rate up to the Thursday night. What did "a long time" mean? Mrs. Luyer swore she had never spoken to Mr. Murphy in her life. Counsel would leave Mrs. Luyer to the jury who had seen her in the box as to whether she was to be believed. Admittedly there was a conversation with Miss Johnson, but that conversation had been added to. Murphy said both ladies took part in the discussion.

A very small matter often threw a ray of light which enabled one to arrive at the truth. Mr. Arthur Haynes had tried to cover up a certain statement of Murphy's. Mr. Haynes was an adept at covering up such matters. Murphy's statement was that he had been on special work on that Thursday. Wednesday was the day of the arrest, and the alleged conversation was alleged to have taken place on the succeeding Thursday. Counsel put it to Murphy that he was

Pretty Busy That Week.

and asked him what was the special work. Murphy replied that on that night it was his "Verse and Worse" column. Counsel then asked Murphy: "Would you bring that matter to the office the next morning—Friday—and would it be published on the Sunday?" Murphy answered "Yes, if it went in at all." One saw Murphy in the paper week after week with his "Verse and Worse," except during intervals which occurred when he was not there. Mr. Haynes tried to smother this up, but he (Mr. Lavan) put the paper in Murphy's hand and the paper showed that the "Verse and Worse" column was not written by Murphy that week. Murphy had had to admit as much.

Mr. Parker: It was not in at all.

Mr. Lavan said that the jury would draw their own conclusions. The "Verse and Worse" column was not in last Sunday, and again the jury would draw their own conclusions. Murphy's explanation as regards missing his column last Sunday was that he was worried because his boys were going away to the North-West. Mur-

phy boasted that he had been twice on the winning side in murder cases. It was to be hoped that in this instance he would experience a change.

Next, there was the

Evidence of Mr. Roberts

that he had called in at the shop on Thursday, April 17. That was over two and a half months ago. (Counsel quoted at length from "The Daily News" report of witness' evidence.) Roberts had seen his (Mr. Lavan's) opening speech in the paper. His evidence was that he went back to the shop and said to Mrs. Luyer: "I thought you told me Auburn was not in the shop on the night of the murder?" Her reply, according to Roberts, was "No, it could not have been me; it must have been my sister." The jury knew that these two ladies were not sisters. Mr. Haynes seemed to have got tangled up on that particular point; probably he got this misinformation from the proof of Roberts' evidence. The two ladies not being sisters, why would Mrs. Luyer say "No, it must have been my sister"?

Roberts was not sure of the conversation which had taken place about a month back. The jury would remember that that further conversation he had with her was after she had given her sworn evidence in that Court, and she had denied she had had a conversation with him. She said it must have been Mrs. Luyer. He also said that Miss Johnston and Mrs. Luyer were

Respectable Women.

She told him, Roberts said, that it could not have been her that conversed with him, but her sister. Counsel did not think that either of them referred to the other as sister before that occasion, and why should she call Mrs. Luyer her sister when she was not?

Referring to the two constables, Mr. Lavan said Duperouzel had said that Mrs. Luyer told him Auburn was in the shop for pies on April 4, and that he came earlier than usual. According to him, Mrs. Luyer said Miss Johnson was out, and did not come in until after Auburn had gone. It was startling how the two conversations with constables, one in May and the other in April, were

Word for Word

the same. Counsel suggested they had been rehearsed. The jury had seen Miss Johnson in the box. Did they think she was a woman who would perjure her soul for the sake of a boy who was merely a customer? She said she denied Duperouzel's evidence, and that she knew him as a police recruit, and would have nothing to do with him because she was told he was a "pimp."

The Startling Unanimity

of the two constables was amazing, and they (the jury) would remember that the alleged conversation with Duperouzel was after both Mrs. Luyer and Miss Johnson had made statements to him (Mr. Lavan). Was it likely, then, that Mrs. Luyer would say that Miss Johnson was not there when she knew that she (Miss Johnson) had given him (Mr. Lavan) a statement? Williams said he walked along with Mrs. Luyer, and she told Auburn was in to get his pies on the night of the murder. Later he was in the shop, and asked Mrs. Luyer if she saw Auburn, and she told him Miss Johnson was not there, and had come in afterwards and asked if he (Auburn) had been in.

He said that Miss Johnson told him the boy had been in that night and obtained his pies cold. There was a startling resemblance between the statement of the two recruits. That particular witness asked the jury to infer that Miss Johnson remained silent when Mrs. Luyer said she was not in. Without hesitation he (Mr. Lavan) asked the jury to believe those two decent women. The recruit also stated that Miss Johnson had told him

Not to Tell Anyone

he had seen her on that Saturday night. He (Mr. Lavan) asked the jury not to believe that. Miss Johnson had told him

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(Mr. Lavan) what had occurred, and was it likely she would tell the constable something altogether different? The matter could safely be left to the judgment of the jury.

Auburn left Mrs. Laver's shop a little after 10 p.m. on the night of April 4, and walked to Trenchet's corner. He was not certain about the times because, as he said, the detectives worked them out for him. At about that hour the trams would be picking up the flow of people from the Grand Pictures. There was a tram to Osborne Park that left the Palace Hotel corner at nine minutes past ten. That would reach the Beaufort-street bridge about five minutes later. As he walked over the bridge he found he had only 3d left. He walked up Barrack-street, along Hay-street, and then into Murray-street, to see if he could find anyone who could lend him some money. He had with him two pies and a bottle of soft drink. Cecil White said that Auburn always had pies and a bottle with him when he went home in the tram. Auburn consumed the pies as he went along. When he reached the subway he

Saw an Overcoat

lying there. He picked it up, examined it, and dusted it. The only evidence with regard to the overcoat was that when it left O'Neil's home it was thrown on the back of the seat behind the driver. He (Mr. Lavan) put it to the jury that the overcoat was never in the car at the time of or after the murder. The coat had been lost out of the car before O'Neil had been battered to death. The car was a shambles. If the coat had been in it at the time of the murder-how was it that Dr. Atkinson could only find on it one tiny spot of blood on the sleeve; that might have got there in a thousand and one ways? Could any member of the jury say he had never had a spot of blood on his clothes from shaving or in any other way?

Dr. Atkinson's evidence showed that the only human blood or the only blood at all on the coat was a spot on the sleeve. It was impossible to suggest that the coat could have been in the car at the time of the murder, or after it, without it being heavily stained with human blood. It was not known where the coat was at the time of the murder. Mr. Parker had put it to the jury that the man sitting behind the driver would have been covered with blood. If the coat had been in the car, and remained where it had been originally placed, how could it have escaped in that way? Surely Mr. Parker would not have the temerity to say that a man who was going to commit a murder would first say "I will put the coat on one side," and would then

Kill His Man,

and place the coat in some spot where it would not be covered with blood. Did not that show that the coat was not in the car, and could not have been there at the time of the murder? If the coat was lost, why should not Auburn find it? Why, if anyone found it, should he not find it after it was lost out of the car, and before the murder? Unquestionably it had been lost before the murder was committed. Auburn said he did not know whether he put the coat on or not.

Mr. Lavan continued his address to the jury in defence of Auburn. He said:—

While Auburn was in Oxford-street, he was bumped into by two men and his arm was hurt. Was that an unlikely story? Parties frequently meet, hesitate, and a collision ensues. The jury had ample evidence of the clearest kind, both scientific and otherwise, that Auburn would suffer from his arm under such conditions, and would become faint, and further, that the blood would trickle down as far as his hand. He boarded the tram at the Leederville Hotel corner. Leen said he was on the tram, and he thought it was about 11 o'clock.

Leen was one of the witnesses called in rebuttal. When Auburn got on the tram he stood with his back to the body

of the car. Leen did not notice whether his coat was buttoned or open. He did not even remember whether he got on at the Leederville Hotel or higher up, nor, what was a common fact in this case, that he alighted before the tram got to the terminus, so that he could enter the shop. Yet the Crown asked the jury to believe Leen could tell them whether on that night Auburn was

Carrying a Bottle

or not. It was utterly absurd to suggest that Leen could do so.

Before Auburn left the car he got the 2s. from Cecil White.

Counsel would deal with the evidence of White once and for all. White told them that when he was getting off the tram Auburn was standing in a corner. That was exactly where Leen also said he was standing. White, counsel thought, the jury would accept as an honest witness. He shifted from Osborne Park on March 31. When he made his statement to the detectives he said it was the 7th, but he explained that mistake and those as to his dates. He said he had counted back from the date of Auburn's arrest, instead of the tragedy. White did not pretend to know what night he loaned the money. He came into town on the 1st, 2nd, 3rd or 4th night of April, and it was one of those nights he loaned the 2s. It was important to remember that White said that on the night he made the loan Auburn did not get on at the corner of Beaufort and Newcastle streets. Every night, according to White, that he travelled with Auburn, except that one night, he (Auburn) did get on at that corner. It had been proved conclusively, it fact it was not questioned, that on the Monday, Tuesday, Wednesday, and Thursday, Auburn was at Moirs, and came down to that corner, got his pies, and caught the tram. Therefore it must have been

That Friday Night

when White saw him on the tram. It could not have been any other. The

Jury Would Remember

that White told the detectives he was home that night at 11 o'clock, basing his calculation on the fact that the pictures finished at 10.30. At 10.45 they were told both by witnesses for the prosecution and defence that the East Perth pictures ended. It would take two or three minutes for a person to get out of the theatre, and White said it took him five minutes to go home with his girl. There was 10 minutes spent at the gate, five minutes to get to the corner of Beaufort and Newcastle streets, and he said he waited five minutes for the tram. Roughly, on those figures,

It would be 11.13

when he caught the car. From that corner the car took eight minutes to get to the hotel, and so it would be about 11.23 when he got off the tram. Auburn had to get off later on and walk to Miss Golding's shop. Miss Golding estimated the time at 11.30. Did it not absolutely fit in? The jury would remember that Auburn told the police it was 11.30 when he went under the subway, but obviously that was wrong, because he could not have been on Leen's tram if it was that time. It took Auburn about 20 minutes to walk from the subway to the Leederville Hotel. If it was 11.30 when he was at the subway it would be 11.50 when he reached the hotel, and the last car left for Osborne Park at 11.50 from a terminus which was a long way off.

The Crown said he was wearing an Overcoat or a Hat Night.

Counsel would make the Crown's present of that, but the suggestion he would deal with presently. A man carrying a fairly heavy overcoat might put it on in preference to continuing the carrying.

The suggestion which would be made was that the whole story about the 3d was nonsense, that the motor car stopped in Vincent-street between 11 and 11.15, that Auburn walked down and picked up the tram at the Leederville Hotel, and that he was

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wearing the overcoat in order to cover up blood-stained clothes. Pure suggestion only, but the suggestion that would be made. First of all, if the motor car was there at 11.10 or 11.15, did the jury think Auburn would have walked down to the Leederville Hotel corner and picked up his tramcar there, and got on it, and afterwards got on a second tramcar? If he was the man who did the murder, and was sitting beside the driver, his hair and his face and every bit of him would be bloodstained. Let the jury bear in mind the spatters of blood on the roof of the car, right over the driver's head, and all over the left-hand side, and the blood on the tree in Westana-road at a height of 5ft. Why, the murderer would be

Smothered with Blood.

But the jury were asked to believe that this cold-blooded horrible murderer was idiot enough calmly to walk down to the Leederville hotel corner and get on a tram there, and quietly and calmly get off that tram and walk into a fully lighted shop and make his purchases there and pay for them. Miss Golding told the jury there was not a scrap of difference in the man. He was wearing an overcoat, certainly, but there was not a scrap of difference in himself. Let the jury take the case of the most hardened murderer, even Charles Peace himself, of immortal memory, and consider would such a man do a thing like that? In the circumstances alleged by the Crown, would Auburn have gone down to the Leederville Hotel corner at all? He could have got away without taking a tram at all. He could have got back to Osborne Park by going around any way, if he liked, through the bush. It was in evidence that Auburn got on the tram with M'Kenzie. Mr. Parker had tried to make a great point of where Auburn stood on the tram. He stood on the front platform, Mr. Parker suggested, and did so because it was dark there.

Mr. Parker: I am not suggesting it any more.

Mr. Lavan said Auburn stood with M'Kenzie where he stood every night, invariably, and M'Kenzie noticed nothing wrong, nothing unusual about him, except that he was wearing an overcoat. M'Kenzie was also called in rebuttal, and then said that Auburn frequently—indeed, practically every night—brought home

Bottles and Parcels.

M'Kenzie would not swear that Auburn did not have a parcel with him that night. M'Kenzie only said he had not noticed a parcel. If a man was bringing home parcels every night, over a considerable period, could it be expected that M'Kenzie would remember whether the man had a parcel on any particular night—after a lapse of three months? The matter could only have been brought to M'Kenzie's memory since the evidence was given in this case. As M'Kenzie had said, it was a very hard question for him to answer. The jury had sworn evidence from a Crown witness that the

Suit Auburn Was Wearing

on that night was the suit he had been wearing and was now wearing in the dock. The suit he wore during the inquest, and, in fact, right through the piece.

Now, going back to Vincent-street for a moment. He wished to deal with the evidence that the car came to Vincent-street at about 11.15, and was subsequently seen there at midnight. The jury would remember the boy Edward Collins, a boy of 14 years. As a witness, Collins was certainly a strange contrast to the little boy of 11 years whom the defence had called—a strange contrast in point of intelligence. Edward Collins said he was at the pictures on that Friday night, and Mr. Parker did not forget to put it into the boy's mouth that it was the night of the children's pictures at the Leederville Oval. The boy also said that he had been fixing up a bike with somebody whose name and address he gave and

that at ten minutes to 11 he went across the street and went straight to bed. Parents of boys would know that it did not take a youngster long to whip out of his clothes and go to bed. Collins further stated that at about

A Quarter to Eleven.

after going to bed, he heard a motor car come along making a noise. No one had been able to get from the boy exactly what that noise was. People who lived on motor routes heard all sorts of noises from cars.

His Honor: The witness said it was a burring noise.

Mr. Lavan said that was so, but one did not know what the boy meant by "burring"; and there was other evidence that the noise would be a horrible grating one. The boy said the car stopped after passing his house. Obviously he could not say where it stopped. He tried to say where it stopped, but quite plainly he could not. Next, the boy went to sleep. Counsel wished to be fair to the boy, and would admit that the boy might have thought he heard this noise a quarter of an hour after going to bed. Boys who were about all day, and who were pretty tired at night, would go to sleep and wake up again without knowing that they had been to sleep at all. Therefore, the jury could not place

The Slightest Reliance

on the boy with regard to time. Further, they could not place any reliance on the boy. He said he saw the motor car outside Chinnery's next morning. Granted; but the boy could not say that it was the same car as he heard passing the night before. If he went to sleep a car might pull up, and go on again. Now, to show how reliable this boy was: In cross-examination he said his mother had read an account of the murder out of the paper to him the next morning. That was what the boy said first of all, and Mr. Parker did his best to clear the matter up. But one thing which could not be cleared up was that the boy swore his mother read the murder out of the paper to him on the next day, Saturday, at 12 noon. Why an account of the murder had not been published then! But the boy had no doubt about it; he was not shaken on it. Mr. Parker had been

In Desperate Straits

to try to cure the boy's evidence, but it was no good. Counsel (Mr. Lavan) asked the boy "When did you give your statement to the police?" The boy was equally positive that he gave the statement at 11 o'clock the next morning to Constable Drysdale, but the jury knew that the car was never seen by Drysdale until 12 noon on Saturday.

What earthly reliance could they place on evidence of that kind? Yet it was on evidence of that kind that the jury were asked to take this man's life away. This was not a case of pilfering or petty stealing, but a case of human life or death. Now let them take the brother. The brother said he was coming home at 12 o'clock or ten minutes to 12. Further, he said, "I saw a

Car Outside Chinnery's.

I did not look at it." The brother did not know the color, and did not see the number or anything else. He merely happened to see that a car was there. He went to bed, and next morning he saw a car in the same place. It would be remembered that Mr. Chinnery said he found the car there at about 4.30 a.m. Very probably that was right, but counsel would show where Collins was wrong. Collins said that he came home at midnight, or ten minutes to 12. He would not say it was the same car as he saw there on the previous night. With regard to the time at which he had seen the car the previous night, he said he had heard the clock strike, and he explained the margin of 10 minutes by saying that the clock was sometimes fast and sometimes slow, and that his mother told him on the following even-

ing the clock was fast. But Collins could give no reason why he asked his mother about the accuracy of the clock on the Saturday night rather than on the Friday night, since he went to town on both nights, and he said he asked his mother the question on the Saturday night because he wanted to go into Perth. Every time counsel put Collins in a difficulty he tried to wriggle out, but only got himself deeper in the mire.

Was the motor car there at the time alleged? In opposition to that view, four witnesses had been called. Mr. Banks, Mr. Shilken, Mr. Gobby, and that very intelligent boy. Messrs. Banks and Shilken undoubtedly went the whole length of Oxford-street that night, and went along Vincent-street

Without Seeing a Motor Car.

Vincent-street was not a thoroughfare in which there would be much motor traffic at that time of night. It was a narrow road, a ribbon road, with a lot of sand on each side. The Crown evidence was that the motor was two feet out on the metal, and that there was only room for two motors abreast. These two men swore positively; and could there be a doubt of their honesty? What earthly interest had they in this case? They told the police about this matter before they came to him (Mr. Lavan), and told him. Their evidence was that there was no car standing there as alleged, and that if it had been there as alleged, they must have seen it.

Again, let the jury consider the evidence of Gobby and the boy. Let them take the evidence of Gobby, who was in Stanford-road, and the boy was in Vincent-street.

The boy saw a car coming down the hill, not stationary, and thinking it was an inspector, he ran back to tell Gobby. Immediately they got up on to the cart. Mr. Parker suggested that car had gone along Oxford-street then, but did they think there were two cars? They went on serving milk until they came up to the car which had its lights out—a

Trick Employed by Inspectors.

Gobby looked at the car, and its number, and there was no doubt that it was O'Neil's car. He (counsel) had said yesterday, and he said again to-day, without making any references to Mr. Parker and Mr. Haynes, whom the jury knew did not collect the evidence, that the evidence of Banks Shilken, Gobby, and the boy was known to the detectives and suppressed, because it

Did Not Fit In

with the scheme or theory. The theory was that Auburn, red-handed after the murder, got out of the car at 11.15 and walked to the Leederville Hotel. They say that the story about the threepence was not "dinkum." If they believed White, was it not clear that Auburn had no money? Counsel asked them to believe the car did not come there until 3.50 a.m.

He would venture a prophecy. It was a shock to the prosecution to find that Gobby was to be called. Mr. Parker will probably suggest to you that Auburn came back there again. Gobby gave the detectives a description of the man; it was somebody with a grey suit, overcoat, and felt hat, but the jury knew there were thousands like that in the streets of Perth every day. They could not say it was or it was not Auburn. Until these two gave evidence it was not contained in Mr. Parker's theory, for while Auburn was subjected to a vigorous cross-examination he was never questioned about coming out again after he had gone home. The car was travelling down the hill—the boy saw it moving—and Mr. Parker's case was that it was disabled. Counsel waited with wonder to see what the suggestion would be. Would they say he came back, drove it away, and brought it back, wonderful to relate, to the same place, for it was seen, the evidence said,

In Front of Chinnery's

the night before? That night Auburn went home with McKenzie, whom he told he felt "crook,"

and the suggestion would be, of course, that he felt "crook" after what he had done. Would he have gone in the Leederville and Mount Hawthorn trams and into a fully-lighted shop to buy fish and chips? He said he was "crook" on account of bumping his arm. The most innocent things were made to take the appearance of guilt.

On the Tuesday morning Auburn told McKenzie about the

Finding of the Overcoat.

Mr. Parker had asked every witness if Auburn had told them about this, and some of them replied in the negative. What a flimsy incident on which to hang a man. There was no secret about Auburn finding the coat; many people knew about it. McKenzie also said Auburn had told him how he had injured his arm through falling down stairs. When he (Mr. Lavan) had referred McKenzie to his depositions, wherein he said "I think Auburn said the wound was caused by his having slipped down some stairs," it was shown that he could not swear it was then this remark was passed. The jury had seen

Mrs. Auburn in the Box.

He (Mr. Lavan) deeply regretted having had to call her, for she was clearly broken-hearted over the matter. She saw her son in bed early on Saturday morning, and he was just the same as he had ever been. The Crown asked the jury to believe that in bed that morning there lay a brutal murderer. Auburn was downstairs reading a paper before breakfast. Was there anything suspicious about that? He was dressed in a grey suit. About 11 o'clock that morning he went to town with his father. No attempt was made by him to engage a car on the Friday night.

There may be some conflict of opinion as to Auburn's intentions on the Saturday with respect to

The Wagon Trip.

The jury must bear in mind that Auburn was in the witness box for three days under a most merciless and unrelenting cross-examination. Because in such circumstances he made some mistakes, was he to be thought a liar? Would any member of the jury have liked to have been in his place, and to be subjected to such an ordeal? How would they have gone through it, without making any mistake? Miss Sadler stated that Auburn had said something about the car breaking down. Auburn denied that. Was it to be inferred that he spoke of the car in Vincent-street? He said he had not been able to arrange for a car. That was camouflage, for he did not want his friends to know that he would have to hire a car. Then Miss Sadler said she spoke to him about wearing his grey suit, but she subsequently denied that had occurred, and stated that the blue suit was not mentioned. There was evidence that Auburn had endeavored to engage a car before going to Singe. It was not satisfactory evidence. Auburn had not denied speaking to the various chauffeurs. The Crown suggestion was that

He Was Unfinancial.

and because of that he committed the murder in order to get hold of the car. As a matter of fact he did get credit from Singe. He could have acquired any one of a hundred cars in Perth the night before merely by taking one. The party called at the Osborne Park Hotel for the overcoat.

Miss Sadler had no recollection of the murder being mentioned on the trip in the presence of Auburn, and Moir said the same thing. Singe was an extraordinary witness, called by the Crown to prove the conversations about the murder. Mr. Parker had told the jury he would prove the murder had been discussed in Auburn's presence at Armadale, outside the Wagon Hospital, and at Quartermaine's. Mr. Parker must have been instructed on the point, otherwise he would not have dared to say that. Singe said the murder was not mentioned at Armadale or outside the Osborne Park Hotel. There was no doubt he built up his evidence in the Court. At the inquest he was asked if it was discussed. He

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said he first heard about it on the Saturday morning, and that in Auburn's presence it was mentioned

At Quartermaine's Farm.

At the present trial he said it was discussed at the dinner table when the whole party was present, but Quartermaine gives him the lie direct. Singe said Auburn was never nearer than five or six yards when the murder was discussed, but Quartermaine said he was not there at all during the conversation.

They heard Singe say Auburn said it was a dastardly thing. Did they see how hopelessly confused he became about that? Not a single other person in the car said that occurred. They would remember the hopeless confusion he was in as to when he was to be paid for the car—hopeless confusion, and a hopeless witness to put in the box.

Quartermaine, the

Garrulous Old Gentleman

who was brought up from Wagin post haste because Singe failed them, said the murder was discussed after dinner when the ladies had gone, and on the previous night at the garage, when he was there with Auburn and Singe. Singe never said a word about that, and Moir told them, and so did Auburn, that it was Moir who went for the petrol, and not Auburn at all. Miss Quigley said it was once discussed in Auburn's presence. Counsel would not say she was dishonest, but there was a big party there. He pointed out to her that she did not say it at the inquest, and now she casts her mind back three months. Counsel suggested it was

An Honest Mistake.

He wondered whether Mr. Parker would be rash enough to make the suggestion that the coat was deliberately left at Wagin. Auburn took it out and put it in the car openly. He thought when he reached Quartermaine's it was in the car, thinking Singe had put it there. That was purely accidental. Auburn, had he chosen, could have lost it anywhere. Dropped it out of the car, or got rid of it in a thousand other ways. What was easier for him when he got home that or the following night or morning to destroy it. You could burn a coat, but not a body, because the bones would be left.

Accused returned to Perth, and the only incident of importance on the Sunday night was the trip to Cottlesloe, and the meeting with Holmes, with whom he had the merest casual conversation. When Holmes asked him about the murder he replied:

"What Murder?"

and Holmes gave him particulars. Crisp spoke to him shortly afterwards, and Auburn told him he only knew what Holmes had told him. Counsel asked the jury to believe that was so. What object would be served by asking Holmes that question if he had known of the murder. On Monday Auburn came to town and saw Blackmore. Blackmore was a gentleman of whom counsel would say something when he dealt with his evidence. There was some conversation about the trip to Wagin. Blackmore stated that Auburn told him previously he was getting a Dodge car, and at this meeting that Auburn said he could not get it and had to get Singe's. However, Auburn said, and counsel asked them to believe him, that the question of a Dodge car was never discussed with Blackmore. A week before the trip Auburn knew there were to be six adults and three children, even with him driving. What on earth would be the value of a Dodge car for such a trip? One might as well have brought

A Baby's Perambulator

for such a trip. Auburn got home before lunch. Johnson, he said, had spoken to him some time previously to the effect that he would bring in the motor bicycle for repairs. It was common ground that the motor cycle was frequently brought in to him to fix. Auburn said he took the machine to the yard, and was fixing it before lunch. That was borne out positively by his father and mo-

ther, whom counsel asked the jury to believe. The mother did not see any more of him till tea time. It would have been easy for her to have said she saw her son riding away in the direction of Perth. Auburn, sen., told them that on the previous Friday

Johnson Brought the Bicycle

and that they spoke together. The defence was not allowed to have the conversation disclosed unfortunately, but in consequence of it the bicycle was taken over to Eddy's yard. When Auburn returned on the Monday his father said he saw him with the machine and subsequently ride away towards Perth, which would bring him to Thomas-street in a straight run. The Crown tried, but failed lamentably, to prove the bicycle was not there on April 7. It was one of their sheet anchors that he could not have seen the Westana-road spot because the story about the bicycle was sheer nonsense, but it was absolutely proved that he had the bicycle there and did ride away on it; another of the Crown's theories shattered.

Auburn said he went for a ride around Westana-road,

and he told them what happened to the bicycle going up the hill. It got overheated, he removed the belt, making it easier to push, and coasted down the hill to the flat. Then he said he got off, fixed the belt, and sat down on account of fatigue after pushing the bicycle. They would bear in mind that pushing the bicycle on another occasion made him distressed, James having said so. Auburn said he saw the tracks, and this was four days before the detectives were there, and they would be more clear. He also saw the broken-down trees, oil on the leaves, and the drag marks. Was it impossible that he did that? Counsel had

Shattered the Theory

about his not having the bicycle. Although Auburn was telling people of the finding of the overcoat, he did not tell anyone of the discovery of the drag marks until he mentioned it to the detectives on the following Friday, his reason being that he did not consider it of any importance. In Monday night's paper he said he read that they were looking for the overcoat belonging to the deceased, and he went straight to the detective office—this man whom it might be suggested was trying to lose the coat down at Wagin. They would recall the evidence of Marie Coombes, housemaid at the hotel at that time.

On the following day he came to Perth. In the lower Court he said 9.5. The tram left Osborne Park at 9.45, and that would get him in about 10 o'clock. At any rate, it must have been Tuesday she was referring to. She said that she saw him washing some dark material, but she could not say it was clothes that were lying in the water. He wanted the jury to remember, and never forget, that there was not a scrap of evidence that that

Allegedly Washed Suit

was worn by him on the night of the murder. The evidence was that he was wearing the one he was wearing in the Court.

Let them visualise the position. The bathroom door was wide open. He knew that the housemaid was upstairs at that time. To counsel's questioning she replied that if she wished to do so she could have gone in as many times as she wished. Was it likely, if he wanted to wash out stains caused by a diabolical deed, that he would do it when he knew the servant was on duty? He could have done it in secrecy on the night of the murder; on the Saturday before he went to Wagin; or on the Sunday or Monday when he was home. She said that he told her not to bother about the bathroom as he wanted to wash some clothes, and that he said he got some mud on them on the way to Wagin. Dark material in the bath, and he told her he got them splashed with mud when she knew he had grey clothes on that day! They would remember,

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that before counsel asked her a question in that Court she rapped out "I said in the Lower Court that I only thought he said that." Counsel said, "Did you ask the Coroner to correct it?" "No." "Wasn't your evidence read over to you by the Coroner?" "Yes." "And you swore it was correct?" "Yes." "And you never asked him to amend it?" "No." Counsel then asked the witness "Have you been discussing this matter with anyone since the Coroner's inquiry?" "No." Counsel said "Just think. Any detectives?" She replied "No."

Only Mr. Parker

He (Mr. Lavan) had not throughout this case cast, nor did he intend to cast, the slightest reflection on Mr. Parker. No doubt what happened was this. Mr. Parker had a perfect right to see his witnesses at all times during the case just as he (Mr. Lavan), but undoubtedly this witness went to the Crown Law Department, and her evidence was gone through with her.

Mr. Parker: That was not done.
His Honor: Mr. Lavan, the mistake is that you stated to the jury that it was done, whereas you should say to the jury "I suggest this was done."

Mr. Lavan said he was making no suggestion whatever against his learned friend, but he did suggest that either the detectives or somebody else took the witness through her statement. It was all nonsense for her to tell the jury that she remembered the thing in the box, and did not correct it when her evidence was read over to her. She had been building her evidence since the previous hearing. She knew he was wearing that grey suit in the morning, because she served him with his breakfast. The jury were asked to believe that, whereas Auburn might have

Washed His Blood-stained Suit

in the washhouse, or in the dead of night, he chose to wash it in the bathroom, with the door wide open, and Miss Coombes able to come into the bathroom at any time—Auburn knowing, as the girl admitted, that she was on duty at the time! With regard to Miss Coombes, the Crown was putting up a ridiculous case. She gave evi-

dence that at least a week after Auburn's return from Wagin she, while brushing under the bed,

Brushed An Iron Bar

from beneath it, the suggestion being that this was the iron bar he was supposed to have brought to Moir's to kill O'Neil with, and that this bar was put by Auburn under the bed a week or more after the murder! The girl, moreover, admitted Auburn knew that she used to do his room every day, and sweep it out every day. Auburn was in the hands of the detectives all that week, and the detectives were searching; and yet the jury were asked to believe that Auburn put the iron bar under the bed for Miss Coombes to find! What did the jury think of such a suggestion in a case of where a man's life was at stake?

On the night of the next day, Auburn was out in the car with Miss Sadler, and discussed the murder with her. There was nothing in that, because the

Murder Was Being Discussed

everywhere, and also because Auburn had by that time told the detectives about the coat. Miss Sadler was asked did Auburn tell her about the coat, and she said "No." There was nothing in that either, because Auburn had told the detectives about the coat on the Monday night, and had told M'Kanzie about it on the Tuesday morning. Moreover, during that trip to Cottesloe he asked Miss Quigley for Allport's address at Wagin, and she told him it. On the Wednesday, Auburn went in to see Detective-Sergeant Purdue. Apparently Auburn met James some time on Wednesday, and then told him about the coat. There was another person Auburn told on the Wednesday. But the jury were told

It Was Suspicious

that Auburn did not tell the girls about the coat on Tuesday night. Then there was the supposed conversation between Blackmore and James and Auburn at the Economic corner. In that conversation there was nothing much beyond this, that an entirely new witness named Hearn was called, a witness whom Blackmore did not support. Hearn said that the conversation was to the effect that Auburn had been down to the police station, and had told them about the coat, and that he had shown the coat to Singe on the next day, but that he could not remember what Singe's reply was.

Singe did see the coat on the next day. Auburn saw Purdue then. Purdue denied this, but in view of the circumstances, the jury should believe it. Auburn said he went in that day and inquired if the coat had come for the purpose of identification; and he said further that he told Purdue on that day where Alport lived at Wagin, that he could be found at Malcolm's. Nothing more turned on the Wednesday. On the Thursday Auburn told York of the overcoat. Counsel did not recollect whether York said he had seen Auburn before during that week. However, Auburn told York where he had found the coat, but

Did Not Mention Westana-road

to York. Neither did he mention Westana-road to James, Blackmore, and Hearn when they were standing together. That fact bore out Auburn's statement that he did not think the Westana-road matter of importance until he went down with the police to show where he had found the coat, and that he then told them about Westana-road. It was a remarkable fact that upon his return from Wagin he told his friends and the police the same consistent story about the finding of the overcoat and the reason why he walked home. There had never been any variation of it.

On Friday at 2 p.m. Auburn called at the detective office and went with Det. Doyle and Kennedy

To the Subway.

On the way there he told them the first time about seeing the tracks of Westana-road. He had not mentioned the matter to his friends, because he did not think it was of any importance at the time. Subsequently the detectives accompanied him to Westana-road. There was one important feature about this. When the car was going down Purdue pulled it up on the side of the hill. Auburn said, "This is not the place. It is further down." He then pulled up the police car exactly where he had seen the tracks. Surely the jury might see that in order to do this Auburn must have seen the tracks during the day time and not at night time. O'Neil's car had left home at 7.20 to keep an appointment, and the theory of the Crown was that the murder was committed between that time and 11 p.m. In the

Excitement of a Murder

the murderer would not see much. He (Mr. Lavan) suggested that Auburn was only able to take the detectives to the exact spot because he had seen it in the day time. The jury had the old gag that Purdue placed before them, namely, that murderers go back to the tracks of their victim. The jury could see for themselves how Detective Purdue had gone for him (counsel), and could imagine what he would be like with a boy of 21 on his hands.

Would a murderer take a posse of police with him and show them the spot where he had done the deed. That was part of the insidious system which was being worked by the detectives. He (Mr. Lavan) had said to Detective Purdue, "Were not the tracks apparent from the road?" but he had denied that. He (Mr. Lavan) had then said to him, "Did you ever say they were apparent?" and he denied that. Witness was then confronted with counsel's note on the subject, supported as it was by the two newspapers. It was

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A Singular Coincidence

that his note and the report in the two newspapers agreed on that point. He asked the jury to disbelieve the detective when he said he did not say that in the Coroner's Court. Detectives Doyle and Purdue said Auburn had stated to them, "This is where it was dragged in, and this was where it was dragged out." Auburn denied that. The tracks were there for every one to see, and it was apparent that someone had been dragged in and out again. The finding of a piece of spotlight mirror had been referred to. The police motor car driver himself said he could not suggest that it was any other part of the motor car than part of the spotlight. Mr. Parker would say that the Crown did not know where the spotlight was broken but because Auburn agreed with the detective that it was a piece of spotlight mirror it was claimed that he must have known the mirror was broken at that spot. He was taken back to the detective office at 6.30.

The Crown, it was apparent, were making frantic efforts to fasten

Suspicion on Auburn;

suspicion on which a cat, much less a human being, could not be hanged. The finding of the spot they would say was suspicious. Counsel would prove the spot must have been seen in the daytime. If accused had done the murder—keeping out of mind Purdue's suggestion as to murderers going back on their tracks—would he have taken a posse of detectives out there? It was impossible to think a man would do anything of the kind. The Crown

Made Frantic Efforts

to prove he did not have the bicycle on April 7, so as to destroy all chance of his having ridden out there, and they failed miserably. Doyle's evidence did not need much comment. He was merely the second string to Purdue's bow.

Purdue was the Boss,

the man in charge, the man who would get all the kudos if anything arose. Auburn said Doyle made a remark about getting it off his chest and to think of his father and mother. Counsel could not recall the exact words. Doyle wanted them to believe that practically he did not speak to Auburn at all. Counsel granted that he did not speak as much as Purdue; in fact, Auburn said he was not as communicative. But it was idle to suggest that investigating a big murder like this, with kudos awaiting those who brought the murderer to justice, that he was standing by with shut mouth.

Doyle admits that Auburn was kept there for three hours when they returned from Westana-road. They knew Auburn did not have a bite to eat or drink from 2 in the afternoon until 2 a.m., when he was taken home, although, he said that at Westana-road, and returning from the hotel he did ask for something. Mr. Parker asked him could he not have got it for himself at the hotel, or why his parents could not have given him something. Imagine how fit his unfortunate mother and father were to get food for him.

Mr. Parker denied he suggested this.

Proceeding, Mr. Lavan said that Doyle was not present when Purdue kept Auburn in his room for three hours. Doyle had nothing to do with the taking of the statement, a statement which took three hours. Imagine it! Three hours in the taking of a statement which counsel guaranteed he or anyone could take in 20 or 30 minutes! What did the jury think was going on?

Auburn Was Chivvorous

towards Miss Sadler. He would not say she told a lie. He said she was mistaken, and he also said all along he did not want to say anything against the detectives. He would not do it, but counsel would put the facts to the jury, and they could draw their own conclusions.

When Auburn was asked about

The Third Degree,

he said he thought it was "knocking you about." There were many more simple forms. Keeping him from 2 p.m. to 2 a.m. without a bite to eat or a drink—they could draw their own conclusions. Purdue said he could have had it if he had asked. It would have been only common humanity for Purdue to have asked him if he wanted anything. He was taken home, and then the suit was found by Doyle, lying quite openly on the chair. Doyle noticed that a link button was missing, and when he pointed it out to Auburn while Purdue produced a button from his pocket, Auburn said it had been off for some time, and that the clothes had been washed about a fortnight before. They would remember that Mrs. Auburn and Miss Forrest had given evidence about the washing of a blue suit, once in January and once in March. Auburn had said it was washed twice and the washing in March, the jury would see, would fit in with what he had told the detectives.

After the luncheon adjournment, Mr. Lavan continued his address to the jury.

He said that during the trial, Detective Purdue made a statement he had never made before. At the commencement of his cross-examination he had adopted a very pugnacious attitude towards him (Mr. Lavan). The jury could imagine how he would treat a boy of 21. The detective said that Auburn remarked to him before going home that night,

"Put Me Inside and I Will Admit Everything."

Counsel did not hesitate to class that as a lie on its face. If Auburn had made that statement, would not Purdue have said, "Come inside and tell us everything?" He (Mr. Lavan) had taxed the detective with not giving that evidence in the Coroner's Court, and his answer had been, "I consulted the Crown Prosecutor, and I was advised by him it was not admissible." Every bit of conversation with the accused was admissible, and this bit of conversation would have been most important if it had taken place. The detective, however, tried to shield himself behind the Crown Prosecutor, and cover himself up. The statement meant either that Mr. Parker did not know the first principles of his business, or Detective

Purdue Was Telling a Lie.

He (Mr. Lavan), however, was perfectly sure that Mr. Parker did know his business, and that such evidence would have been admissible. On the face of it the story was a fabrication.

Then there was the visit to the Osborne Park Hotel. Auburn had told the detectives about the link button before it was produced. It was apparent that the button had been off on more than one occasion. There was no evidence that Auburn had worn that suit on the night of the murder, but there was positive evidence that he did not do so. When Mr. Blackmore was told by Auburn about the link button, he said "I have not seen him wearing that coat for some months." It was also clear from Miss Sadler's evidence that the suit from which the button was missing had not been worn by Auburn on the night in question. The Crown had not brought forward a scintilla of evidence to show that he had been wearing it that night. The jury could not convict a man on suggestion. After leaving the hotel, Auburn returned with the detectives and spent another two hours with them before going to Dr. Barker. A short statement was taken from him, and before it was written, many questions must have been asked. From 2 o'clock that afternoon until 2 in the morning, Auburn was continually with the police under examination.

Without a Bite to Eat.

There were inaccuracies in the statement furnished by the accused to the police. There were also omissions from it, and some of the times were wrong. Two important omissions were in Auburn's favor.

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There was the omission that he had been at Miss Sadler's on Friday night, from after 7 until after 7.30. It was common ground that he was there. There was also the omission that he was at Mrs. Luyar's that night at 10 o'clock. Could it be imagined that everything a boy of 21 would say in such circumstances could be accurate. After being two hours with Purdue, Auburn was examined by Dr. Barker, who told them the result of the examination.

Dr. Barker

said that when he saw the wound, which had recently abraded, it was 1 a.m. He said it would just drip blood, but he said he would not deny that the blood would run into his hand, but told Mr. Parker he would be surprised. On the other hand they had the evidence of two doctors, that it was not a keloid, and that the blood would run down into his hand. In addition to the skilled evidence, there was that of people who had seen it. Auburn denied the conversation that he had with Purdue at the back of the car. He was asked to return the next day, and did so. When he saw Blackmore on the Saturday, Blackmore, whom Mr. Parker elicited, was a friend of Auburn's—if he was a friend

God Save Counsel

from his friends. Blackmore said that various matters were discussed, such as the link button and the search of the room, but they should remember that Blackmore tried to shuffle out of it. Auburn only had the three blue suits, the one he was now wearing, the washed suit, and the old suit, which never had a link button. When he told this, Blackmore said, "Why, I haven't seen you wearing that suit for a long time," meaning the one with the button missing. The jury saw the pains he went to.

Blackmore told counsel that without being asked by anyone, he went specially to the Crown Law Department after the inquest to examine the suit. Did the jury believe, firstly, that he went without being asked, and secondly, if he did, was it the act of a friend? They were faced with the position that that suit could not have been the suit he was wearing that night, so the link button theory was absolutely gone, because of the evidence of Miss Sadler and Auburn, and Blackmore's statement that the button had been missing some time. Blackmore went on to say that Auburn told him it was while he was out in Singe's car he

Discovered the Spot.

This was capable of easy explanation. At the time they were talking about various trips, and the jury could imagine how easy it would be for Blackmore to get astray on that point. Only the previous night Auburn told the detectives that he found the tracks while out on the bicycle. Was it common sense to suggest that the following day he would tell Blackmore something entirely different?

On the Saturday Auburn was again with Purdue from 2 until 7 p.m. Did the jury remember Purdue blurting out that he was treating him

As an Accomplice,

and his Honor clearing up their point. When Auburn said to Purdue, "Do you think I would have brought the coat in if I were the guilty man?"—counsel also asked would he have been likely to—what did Purdue reply: "Ah, it was being advertised for." Then Auburn asked would he have told them of the finding of the tracks if he were the guilty man. Purdue said something about murderers going back on their tracks. He asked the jury to use common sense. Did the jury think that accused got fair treatment. What else did Purdue do? He

Reconstructed the Crime

for him, made a sketch, and put Auburn in the front seat, others in the back. He pointed out where Auburn would be—a man with a knowledge of machinery. He put him in front. Then he went out and reappeared with the £500 proclamation. Mr. Parker might call that what he liked.

He (Mr. Lavan) would not put a name on it, but would leave it to the jury. These were undisputed facts. Then Purdue said Auburn asked to be allowed to go away until Monday morning, when he would give "Satisfaction to you, but not to me."

Counsel suggested that if Auburn had said that, Purdue would never have allowed him to go away, but would have demanded satisfaction on the spot. What Auburn had been trying to impress upon Purdue, and what Purdue would not accept, was that Auburn had already told all he knew.

On the Saturday night Auburn met Percy Crisp, and had a conversation with him about the murder. Crisp told Auburn he ought to advertise for someone on the train who knew him. Then Crisp added something new, saying "Doesn't the conductor know you?" But in his statement to the police on the Saturday Auburn had given the names of people on the train—Mr. Kenzie, Cecil White, Leen, and Eddy, sen. Mr. Crisp's statement might represent his best idea, but why should Auburn have taken that attitude? On the Saturday, Cecil James said Auburn was distressed with pushing a bicycle a little way. They came into town and met Monson. Monson said Auburn told him of his visits to the police and about getting

Muddled Up a Bit,

whereupon Monson said that if Auburn got muddled it was no use him making statements to the police. Monson advised him not to go to the police any more, and that was good advice, but Auburn did not go to the police because he had no more to tell them. Admittedly Miss Sadler was rung up at Wooroloo by Auburn. There was a conflict of evidence between Auburn and Miss Sadler at this point, but Miss Sadler's memory was very unreliable. Whereas Miss Sadler said she was told over the telephone that if anybody came up to see her she was not to tell them anything, Auburn said that he told her "If anyone comes up to see you tell them the truth, and you must not tell them anything else." At 5 o'clock he went to the detectives and gave the short statement, in which he said he could not tell them any more. On the Wednesday

He Was Arrested.

That finished the details. There were other witnesses called who were said to be experts. The Acting Government Bacteriologist (Dr. Atkinson) examined the coat and trousers by applying the benzalene test. He admitted that the test would give results for other things besides blood, and was not a test for human blood. He said he could not swear that there was a stain of blood of any kind, much less human blood, on those clothes. So far as the jury were concerned, they were in the position on the Crown evidence that there was no evidence before them that there was any blood on the clothes. Dr. Atkinson said he could not apply the benzalene test because he

Could Not Find Blood.

He was asked by Mr. Parker if the clothes had been washed within a month, would that affect the haemin crystals, and he said it would, but they still had the fact that there was no evidence of the presence of blood—

His Honor: You are not quite right there, Mr. Lavan.

Mr. Lavan: I think so.

His Honor: I have what he said, I took a verbatim note of it. He said "I cannot swear there is blood on the coat or trousers, but in my opinion there is."

Mr. Lavan: In his opinion, yes, but he could not swear.

His Honor: He is an expert.

Mr. Lavan: But he could not swear.

His Honor: I am only pointing it out to you.

Mr. Lavan said the point was that he had applied the benzalene test, and got a result, but as he (counsel) had pointed out and the doctor had admitted, the benzalene test would give results for various other things. He could not say there was blood of any kind on those clothes,

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and the same applied to the inside lining of the overcoat, and there was no suggestion of that having been washed. He found the smear and a spot of something that might or might not have been blood, and he could not swear that it was blood for the same reason that other things would produce the same result. There were a few small spots on the hat about the size of a pencil point. Dr. Atkinson had stated he had found blood upon it. Auburn used to swing his arm about when he was in pain, and the wound was bleeding.

After our report of the proceedings in the O'Neil murder trial closed yesterday, Mr. Lavan concluded his address in reference of George Auburn, and Mr. Parker opened his summary on behalf of the Crown.

Drs. Moss and Juett said that if a man with a bleeding arm swung his hand and his hat happened to be within reach, spots of blood of the nature found on the hat would be sure to get there. It was the duty of the jury, if there were two constructions to be put upon the matter, to put the innocent construction upon it.

Mr. Parker had suggested the murder was

A One-Man Job.

O'Neil must have received a terrible blow on the back of the head while sitting in the car, because of the flow of blood on the driver's seat. The theory of the Crown was that the body was then put into the back of the car. Such a blow must have been struck by the murderer in a certain position. (Mr. Lavan illustrated to the jury what he meant by that.) That being so, blood would have had to spurt on the left hand side and on the top of the

Hat of the Murderer.

There was a spray of blood over the top of the driver's seat. The suit case in the back of the car was also covered with blood. It was evident that the hat of the man who committed this murder must have had far more blood upon it than had been found upon Auburn's hat. At all events it was

Too Dangerous to Speculate

on a theory regarding blood stains. Several tailors had given evidence concerning the cloth on the button matching the suit of the accused. Mr. Berry said he had examined the coat and the button with a magnifying glass. When he gave evidence at the inquest he had not used a magnifying glass, and yet he expressed the same opinion. He said the wool on the shank was of the same material as that of the coat, and that the piece of material fitted the hole in the coat "very nicely." Mr. Ctereteko, however, said he would not try to make the two things fit. Buttons and shank buttons were common things, and yet the jury were asked to take away the accused's liberty on the theory of a shank button. On the other hand, Ctereteko said if a dozen rolls of blue serge were put before him he could not say if the shank came from any of them. What a thing was human life to speculate on! They were

Not Throwing Dice

for this man's death. The evidence was clear. The button had been off a long time, and the suggestion was that the button found in the car was that off the coat, and that the coat was subsequently washed. Every witness said that the washing would make a difference to the size of the hole. Then how could Berry say the button fitted the hole, if it was the button?

There were only two or three more points counsel would discuss, and anything he might have overlooked would be a pure oversight, and not done by design. There was one point which might be discussed before dealing with a summary. It had been pointed out that it was perfectly clear that the very bad wound on the back of O'Neil's head was caused while he was at the wheel. If it had been done out of the car, and the body pitched into the back—imagine one man doing all that—it would be absurd. Undoubtedly it was

Done in the Car.

Would then a man who wanted to murder another to get possession of his car for the purpose suggested here, of taking people to the country, have inflicted injuries of that kind in the car? It would have been easy and far more likely that he would get him out of the car on some pretext and kill him.

The position would be that the man who murdered O'Neil did not want the car for any drive. There must have been

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Some Other Motive.

because if one took people out the following day in a blood-saturated car, would it not be noticed? Yet that was the only motive suggested, that he killed this man in the car in order that he might take people away next day. Did it not strike the jury that it was not an ordinary, but an extraordinary murder, extraordinarily brutal and callous, and terrible to contemplate? Did it not strike them as a

A Murder of Revenge

—it had been proved the motive was not robbery—rather than that of a man who was trying to get the car for a 25 hours' trip the following day?

The suggestion was horrible that such a foul, brutal, and deliberate murder would be done by that boy because three weeks previously he had arranged to take a party of friends into the country. It was almost incredible that such a suggestion should be made by anybody, but that would be the suggestion of the Crown. The

Crown Had Entirely Failed

to prove the guilt of the accused, and the Crown must prove his guilt by no speculative theories or suggestions, but by clear and undoubted evidence that left no shadow of reasonable doubt in the minds of the jury. The Crown case was built up on circumstantial evidence, theory, and suspicion.

Counsel had blown to pieces the theory about Auburn leaving the car at 11.15 and walking down to the tram and entering a lighted shop—this man with his hands, metaphorically, red with the blood of his victim! No one in that lighted shop saw any difference in him. Had not the Crown's point as to the washing of the clothes been blown to pieces? Then there was

The Iron Bar

—again a ridiculous suggestion, which had been torn to shreds. The button—were the jury going to attach any importance to that? Counsel would not have bothered with expert evidence as to the button but for the fact of having to meet expert evidence led by the Crown. Let the jury remember the evidence of Miss Sadler and the evidence of Mr. Blackmore. Then there was the

Finding of the Tracks.

How did the Crown attempt to deal with that? By showing that Auburn did not have a bicycle on that day. That contention failed. What on earth would the Crown say now? The jury had seen George Auburn in the box. Mr. Parker had remarked upon his coolness. Counsel had pointed out to the jury that there were many people who suffered inwardly without giving any outward sign. This boy had undergone an ordeal which even counsel, a legal practitioner of many years' standing, would dread to undergo—three days under examination and cross-examination. George Auburn had made mistakes, but, when the whole of his evidence was reviewed, on what points had Mr. Parker shaken him? The matter of his finances and the matter of the drives.

There was a little variation as to his going into the bar on that Saturday morning and arranging matters with his father, but counsel

Challenged Mr. Parker

to show that on any material point Auburn had said one word which was wrong or even out of place. Auburn had been in prison since April 16, and even if he had a heart of flint, he must be suffering, no matter how calm outwardly, with this dreadful charge hanging over him. Mr. Parker "hopped into" Auburn with his very first question: "Do you think O'Neil was murdered? When do you think he was murdered?" Mr. Parker chopped and changed about with lightning rapidity from one subject to another, in order to try and catch Auburn. Was there a man on the face of the earth who, undergoing what that youth had undergone, would not make mistakes? Not one member of the jury, if in the witness-box for such a

length of time, but would contradict himself or make mistakes.

Counsel had dealt with most of the witnesses as he went along, and did not think it would be fair of him to keep the jury much longer. He would briefly put to the jury the

Points of the Defence.

Firstly, there was not the slightest evidence that Auburn ever knew O'Neil or ever spoke to him. There was the entire absence of any motive that would appeal to a child. Whoever hired that car hired it for a party of not more than four, because the "dicky" seats were taken out. Auburn knew that his party would consist of more than four. Then there was

The Overcoat.

If that had been in the car it must have been heavily stained with blood, while actually there was only one tiny spot on it. Counsel had blown to pieces the Vincent-street theory, while he thought they would believe that Auburn got money from Cecil White. They would also, he thought, believe that the car was not there when the Crown said it was, and that it came there at 3.30 a.m. Regarding the

Washing of Clothes.

was there not an abundance of evidence that Auburn always washed clothes, including suits. The piece of iron bar he had dealt with. The want of money, as His Honor had pointed out, was not a crime. Auburn could have stolen 50 cars if he wanted to. He (counsel) had overlooked Allen's evidence about the car being in Roe-street at 12.45, but, despite all said against it, he asked them to believe it.

The strain upon him and his colleague was very great, but he thought that he had kept his promise, not to ask one unnecessary question or utter one unnecessary word. A man's brain was in a whirl with the multitude of facts in this case, which involved the life or death of a young man.

They must be convinced, before they convicted the accused, that the Crown had conclusively proved that he had committed the murder. There must be

No Room for Mistake.

If there was an reasonable doubt in their minds they must give him the benefit of it. He (Mr. Lavan) submitted with confidence that the Crown had entirely failed to prove its case. From the bottom of his heart he wanted them to try and arrive at a definite conclusion one way or the other. There had been a terrible expense to the Crown and to the prisoner, but the Crown had a great deal more money to play with than had the prisoner. It could afford further trials if they were needed, but it would be nothing less than a calamity if there was a disagreement in the case and another jury and the prisoner and counsel had to endure what had been endured during the past four weeks. He therefore begged the jury from the bottom of his heart to try and arrive at

A Definite Conclusion.

He had no desire to sway the jury from the path of duty, or ask them to violate their oaths. All he required of them was to give the case fair and earnest consideration. He knew from the manner in which they had followed it they would do that. It was not for counsel to prove the innocence of the accused, but for the Crown to prove his guilt. When he resumed his seat he would be able to thank God that he had done his duty, and the terrible responsibility would pass from him to the shoulders of the jury. On circumstantial evidence an innocent man had been hanged before to-day, and it behoved the jury to be careful that another man did not have the same fate. He hoped they would be guided in

Their Grave Duty.

and that He Who saw and knew the secrets of all hearts would guide them in that terrible moment when they had to make a final decision as to whether the accused would walk from the dock a free man, or go to a horrible or ignominious doom.

Mr. Lavan resumed his seat at 3.15.

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MR. PARKER'S ADDRESS.

Mr. Parker, in addressing the jury, said that he offered no apology for the time the case had taken. His sole desire was that right and justice should be done, that the whole of the evidence should be fairly weighed in the scale, and that everything and anything that told in favor of the accused should have due consideration. It was suggested that with a view to shooting home wrongfully the crime upon the accused counsel had been brought in from outside. In England the invariable practice was for the Attorney-General, the senior at the Bar, to take the case on behalf of the prosecution. Mr. Parker here quoted instances where many counsel had been brought in from outside by the Crown to assist the prosecution. Notwithstanding the practice that existed elsewhere, this unfair comment had been made. He would endeavor to say nothing to excite the feelings of the jury or

Disturb Their Judgment.

Of course the Crown must prove its case. He undertook to do that, and if the jury had any doubt about the guilt of the accused he would remind them that every person who took part in the commission of a deed of murder was as guilty as the actual person who committed it. If the accused himself did not strike the blow but stood by while it was done he was equally guilty.

His Honor: He must have been the assistant in the common object.

Mr. Parker: Yes. A most horrible, brutal, and atrocious murder had been committed. As it was all that, anything in the way of sympathy must be left out of the case. Either the accused committed the murder or he did not. Mr. Lavan had dwelt at some length on the extraordinarily anxious time he had had. Perhaps he had. But if they remembered on May 13, as far back as that Mr. Lavan had, as he claimed, a

Complete And Absolute Alibi

given him unsolicited, except for a newspaper advertisement, and confirmed on May 15, so why the anxiety if he believed in that story? Mr. Parker would show that he cannot have believed that story, hence his anxiety. He invited the jury to test the case in its weakest links. The Crown case could be tested for its weakest links, and he ventured to suggest, they would not find one.

It was suggested that the whole of the evidence was based on suspicion and theory. As regarded that, he did not propose in any way to deal with suspicion and theory. He could readily understand that the Crown, having no interest in securing a verdict in this charge, it did not concern him (Mr. Parker) or Mr. Haynes no more than any member of the public what that verdict was. God help any man if the Crown was expected to prove every charge! It would be an atrocious state of affairs, but it was his duty, representing

the Crown, which in turn represented the public, to see that the jury, who

Had a Double Duty.

both to the accused and the public to perform, thoroughly appreciated the facts of the evidence. That was all. Mr. Lavan at some length upbraided him for having relied on a lot of suspicion, theory and suggestion; in fact, the substance of his speech had been that, but in respect to the facts of the case he had not said a great deal. Mr. Lavan was right in telling them that, but he claimed that Mr. Lavan was only wrong in having blamed him for having relied on probabilities, because he had not done anything of the sort yet.

Suggestions, Theories, and Suspicions were as feathers, and the facts were as lead. He would endeavor to prove them to the jury. He would call attention to the leading facts and omit probabilities. The first of these was in connection with the button found in the car—the button of the accused. It was quite proper that they

should appreciate the full force of the inquiries on this point. If it was the accused's button and was worn that night, what followed? Auburn was in the car that night with O'Neil, and, as far as that part of the case is concerned, it proved it as conclusively as if he was seen there by a dozen witnesses. Far better, probably, than if there had been eye-witnesses, because there then might be raised the doubt as to identification. But in this case they had the actual button in the actual car. The

Button Could Not Lie.

The car could not lie. It had not been suggested it had not been found in the car. The question solely was whether it was the button of the accused.

He listened to the remarks of Mr. Lavan with a great deal of interest. He (Mr. Parker) wanted to know if Mr. Lavan would suggest any theory in this matter of the button, but defending counsel did not apparently feel himself able to propound any story in that respect. It could never be suggested that the accused could be innocent if that was his button; yet Mr. Lavan never put forward theory, suggestion or possibility. He simply

Went Bald-headed

to the effect that Auburn was not there. He (Mr. Parker) would be glad of any suggestion to the effect that the accused had been there innocently and not connected with the murder, but Mr. Lavan's experience told him it was idle to make any suggestion, or that it was impossible it could have been explained to the jury. He knew that the only course he could pursue was to deny or raise a doubt in the jury's mind as to that button, found in the car, being the accused's button. He knew it was impossible.

Accused gave the detectives an account of his movements on

The Night of Friday.

There was nothing more momentous to him at that time if he had been innocent than to have told the truth before his arrest, or even at the inquest. Had he told the truth, it would have been a complete answer, but he never mentioned until he reached this Court of the journey to the meat pie shop that evening. They had the argument before them that in the fact that he made this statement lay the strongest test of his innocence, but Mr. Parker thought it could be looked at from the other viewpoint, that while it was consistent with his innocence, it was equally consistent with his guilt. They remembered his statement: "Do you think I would do so and so if I was a guilty man?" made to allay suspicion. It was urged that such behavior spoke trumpet-tongued in favor of the accused's innocence, and that no guilty man would inculpate himself, and, further, that only an innocent man would make statements which would be available and useful to the Crown in his prosecution. But a great deal depended upon what the accused

Thought the Detectives Knew,

and what he thought they would find out, and also what he thought he would be able to blind them with. It was accused's intention to throw suspicion off himself.

Counsel had said at the very start that this was a case of circumstantial evidence. In practically all cases of murder the evidence was circumstantial. We never found a man publicly and deliberately firing a shot at another man, or openly hitting another over the head, except in a street fight; and then it was a question of manslaughter. But murder was usually a secret crime. Circumstantial evidence varied infinitely in reference to strength, in reference to variety, character, cogency and dependence of one upon another of the whole of the circumstances. Circumstantial evidence had been described as a network of facts, cast around the accused man. The network might be as light as gossamer and as unsubstantial as the air itself, vanishing at a touch. It might be that, though strong in parts, it left great rents and gaps through which the accused

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was entitled to pass with safety. That was where the links were broken. If one link was broken, the accused was entitled to go free. But the net might be so close, so stringent, so coherent in its texture, that no effort on the part of the accused could break through it. That was the case he (Mr. Parker) was going to put to the jury. Circumstantial evidence might be nothing or it might be, as in this case, absolutely convincing. In this case there were a

Variety of Circumstances.

all pointing in the same direction, convincing in proportion to the number and variety of those circumstances and their independence of each other. Although each separate piece of evidence, standing by itself, might admit of an innocent interpretation, yet the cumulative effect of such evidence might be overwhelming truth of the guilt of the accused. There was the fact that the deceased man O'Neil had been murdered. That was not denied. Then there was the fact that O'Neil left home somewhere about 7.20 on the Friday evening to go for a trip into the country. That, again, was not denied. There was the fact that O'Neil's car was seen at 10.25 p.m. by Mr. Tracey, the advertising agent, at the Rokeby-road entrance to the Park, practically. That was not denied. At 7 a.m. on April 5 the deceased was found in the water, found with his head smashed in in the most brutal and shocking manner. The deceased's car was found somewhere about mid-day on the Saturday. It was covered with blood, broken down, and with a certain amount of blood and sand in the car and in the gears. There was the fact of

The Jigger Button

being found in the car. That was not denied.

There was the fact of the accused ordering number plates to be got ready as quickly as possible, and of his asking Miss Sadler to call for them, and of Miss Sadler calling. These things were not denied. The number on the plates was "P38," admittedly the number of the car belonging to accused's father. The trip to Wagin was arranged about March 14, and it was also arranged that the party should start on Saturday morning, April 5, somewhere about 6.30. These things were not denied. Auburn did not turn up with the car until 3.30 p.m. on Saturday. It was also admitted that the accused said he was getting the

Loan of a Car

from Mr. Ford of Winterbottom's. The accused admitted that this was an absolute straight-out lie, told merely to lead the people he was going to take for a trip to think that he was not hiring a car. It was common knowledge that hired cars had black letters on white, while private cars had white letters on black.

His Honor: There is no evidence of that.

Mr. Parker said it was the law. The jury could bring their knowledge of every-day affairs to bear.

His Honor: The jury should not do that, but should decide according to the evidence.

Mr. Parker said that, knowing those facts, which he would prove by producing a copy of the Traffic Act, the party for Wagin, when the accused came up with a hired car, must have seen at once that it was a hired car. Furthermore, there was the difference in

The Number Plates.

Why this extraordinary lie? It was only one of many lies that he would have to quote in the course of his address. O'Neil had arranged to go for a trip into the country. He had his suit case packed. Mr. Lavan had rather tackled him (Mr. Parker) yesterday for calling the widow, Mrs. O'Neil. It was necessary to call the widow, because Mr. Lavan disputed the fact that O'Neil was going away on a trip into the country. Counsel could not quote conversations—it would not be right to do that—and therefore the prosecution had to

get the widow to tell the jury what the deceased had in his bag, since the number of changes would show he was going away for some days. O'Neil's car was overhauled, extra petrol was secured, two new tyres were put on in front, and three old ones were put on the back. Accused had arranged to go that self-same night, just after 8 that evening, to Moir's with the car and

Stay the Night.

Mr. Moir said that the last words the accused uttered when he left were "I will see you later; I may be back to-night."

Mr. Moir did not expect the accused, but the accused certainly meant Mr. Moir to expect him; and also he certainly intended Miss Sadler to expect him, when he said he would be back with the car that evening in order that the party might start early on the Saturday morning. Accused did arrange to leave town at 6.30 a.m. Saturday. Accused had admitted that he arranged to stay at Moir's that night that he had said he would do so. Accused added that he never really intended to do so. Further, he said that he never made any arrangement at all to get any car until 3.30 on the Saturday afternoon, when he engaged Singe. The accused had told the Court that deliberately. Counsel (Mr. Parker) had asked him clearly and distinctly "Will you swear that Singe was the first?" The distinct and definite answer was "Yes, he was; there was no one else." Even Mr. Lavan had had to admit that that was wrong. Mr. Lavan said it was a mistake made because of a close and

Searching Cross-examination.

A Crown Prosecutor's duty was to delve into stories and ascertain the truth, for or against. If the accused had said there were others it would have been all right. But why did the accused stick to that story? He had told it to the police, and he was determined to stick to it here. He did not know the prosecution knew that he had been to other taxi-drivers.

By means which he (Mr. Parker) was not at liberty to state, the prosecution ascertained that these other four drivers had been approached by the accused. The jury had heard their evidence. Plainly, the accused went along in great straits to get a car. To one driver who wished to charge £16 10s for the trip he offered a cheque for £20 and two new motor tyres when he got into the country. The young motor man George had shown wisdom in refusing that offer, because it was known that Singe had not yet got his money. Did not George's statement tally with Singe's evidence? Who had ever heard of a motor-car driver saying,

"Pay Me at the End of the Month"

and refusing the money on that particular day when he went out? All that Auburn had told the jury was that he never had the slightest intention of getting a car even on the Friday night.

Although the accused came in on the Saturday morning some time after 11 o'clock with his father, as soon as he came in he rushed out again to see Miss Sadler. The accused admitted that if he had said to his father "I'm going to Moir's" it would not have been five minutes out of the father's way to take him there, and accused would have got there at least five minutes earlier. But accused was in such a hurry to get to Moir's that he did not go the nearest way to catch a tram, which would be at Moir's Chambers on the corner of St. George's Terrace and Barrack-street. The accused went to Hay-street, and on a Saturday morning Hay-street was not an easy thoroughfare to get along. He said he arranged with his father to have the morning off on Saturday. Counsel was not going to say that his

Father Was a Perjurer,

but he was unable to stick to one story, and says that two or three days before his son asked for the morning off, and that his son told him three or four days before that he was going to Wagin. He (counsel) suggested that neither was true, but he realised the position of the father, and was not going to blackguard him.

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The trip to Wagin was to start early on Saturday morning, for they must remember that the two Misses Quigley had their breakfast at 6.15 a.m. Miss Sadler even went to the extent of ringing him up to find out why

He Had Not Turned Up, and he went there and admits having apologised. He had told so many lies, why not one or two more? Perhaps this was a lie, too. Why apologise if he did not intend to go back that night? Counsel suggested he did apologise because he intended to go back. Miss Sadler said he told her the car had broken down, and mentioned some particular part which she could not remember. If her evidence had been concocted, she would have known the name of the part, but she could not say what it was. She said he told her something had broken, and that he had torn his clothes repairing it. Accused said that was all lies. He was wearing the blue suit the previous evening, and the grey suit on the Saturday.

Miss Sadler was the accused's girl, and they were on affectionate terms. Had they not

Kissed Each Other

when she went to the gaol to see him? Not until she was asked by his Honor, did she admit that accused told her he had torn his clothes on the previous night when repairing the car. He (Mr. Parker) did not blame Miss Sadler for not wishing to give damaging evidence against the accused; but could it be imagined she would fabricate evidence against him? On the Friday night she and the Moir's expected to go to Wagin on Saturday. Accused all along asked them to wait until that day. He had given the party to believe that he would borrow a car for the trip. He had a Buick Six in mind.

His Honor: Or a Willys-Knight.

Mr. Parker: Yes; but his first intention had been to get a Buick Six. That was the make of O'Neil's car. Yet, he said that all through he intended to get Singe's Cadillac car. Would any reasonable man wait until Friday night to hire a car for a trip he had arranged three weeks before, for the next day? His excuse was a flimsy one. He found Miss Sadler busy in the kitchen on Friday evening. He had asked her to go to town, but he knew she was doing work she could not leave, and that he was quite

Safe in Asking Her.

He said he intended then to explain about hiring the car. On the Saturday he told the party he had hired a car. No one objected, or offered to pay half the cost of the hire. No one demurred about the cost to Auburn. Could it be a pleasure trip to leave Perth about 4 o'clock in the afternoon and go some 140 miles into the country with three children and six adults in the car, arriving about 1 a.m., without a meal on the way or any arrangement to stop for a picnic? What pleasure could there be? Why was it

A Rush Trip?

Because the accused did not turn up at 6.30 as arranged, and he could not get a car until 3.30 on the Saturday. He went over the ranks—they knew of four drivers he approached—and he finally got Singe by phone. It was suggested that accused was very annoyed with Miss Sadler because she would not come to town with him, but he knew she could not leave. He went out himself, saying he would be back, and he apologised next day for not having turned up. Mr. Lavan admitted the drivers were approached and, furthermore, they would not take the accused. However, as soon as Singe was engaged, it became

A Matter of Haste.

It was asserted accused could easily have stolen a car in the streets. The jury should remember he wanted the car in the daylight, it had to be driven through the streets of the city and Mt. Lawley to Osborne Park, then through Armadale and such places. The case of the man Parker which had been alluded to was the only one he (Mr. Parker) knew of where a stolen car had been retained for any

length of time. Cars when stolen in this manner were abandoned next day. If the accused had stolen a car on this occasion the owner would have been alive to tell the police, and if he had put false plates on it the best ones would be his father's, because his father must stick by his son to any extent. If pulled up he could give the name of Auburn, and the number, and been allowed to proceed. No suspicion would arise, because inquiries would show it was Auburn's car. The evidence pointed to the accused being in

Desperate Need of a Car.

He certainly was on the Saturday afternoon. If the car had not broken down, and had P38 on it, and the body disposed of, or had sunk in the river instead of floating, no inquiries would have been made for O'Neil for some days, because he had gone away for an 11 days' trip. On the following day P38 would be removed from O'Neil's car, and the car left anywhere, no suspicion would have been created for some days after, and nothing more heard of it. Usually things went wrong in some way, and murderers made mistakes.

The Court adjourned until next day.

TO-DAY'S PROCEEDINGS.

When his Honor took his place on the Bench this morning, he inquired of Mr. Lavan if he could tell the name of the last witness who appeared on the first day when the defence was opened. Mr. Lavan replied that, unfortunately, he had not his notes with him in the Court, and was unable from memory to supply the information.

His Honor (with a smile): I hope, Mr. Lavan, you will not want your notes again.

MR. PARKER CONTINUES.

The Crown Prosecutor (Mr. Hubert Parker) continued his address to the jury. He said that when the Court rose the day before, he was referring to the hiring of a motor car. The story the accused had told the police was that he went into town with his father, and remained there until he hired a car from Singe, and then proceeded to Miss Sadler's house. At the inquest it was shown that he first went to Miss Sadler. He had said that himself for he knew the police were aware of that. He said he went to Miss Sadler, then came straight into town and

Hired Singe's Car.

The questions that were put to the accused were clear, and he had stuck to that story. He had Singe in mind all the time. He knew the police had no other evidence, and he had built up his story on that. Mr. Lavan had to admit, following upon the conclusive evidence of the four taxi drivers, that he had first tried to hire a car elsewhere. If the accused was going to lie deliberately to the police, and after it when he heard the evidence at the inquest, could he be expected to tell the truth in other matters. It could not be a case of bad memory, or his being flabbergasted. It had not entered his mind that the police could get other evidence to cause him to alter his story.

Mr. Parker said he would show the jury they could not believe his story in regard to the material parts of the case. Accused had said what he did

To Blind the Detectives.

He had told the jury about getting Singe's car to blind them. If he was going to attempt to blind them on one point, why not on another? He must have realised the importance of the effect his story would have on the minds of the jury when they saw he was in dire straits to get a car. He stated in the Court that he had caught a tram at 6.15 on the Friday evening, and had arrived at Moir's about 7 o'clock. The tram he would have caught would have reached the stopping place near Moir's at four minutes past 7. It would take him five or six minutes to reach the house. If the rest of his story was true, he reached Luyer's shop about 10 o'clock, a quarter of an hour or so before the pictures were finished. He must, therefore have left

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the pictures 20 minutes before they were over. On the times given he reached the picture show about 20 minutes before the interval. Mr. Parker said he was not going to ask the jury to convict accused on the score of time.

If he reached the pictures at 7.30, he must have left Moir's 15 minutes or 20 minutes earlier in order to do so. This was one of the

Many Inaccuracies

In the statement of the accused. He informed the detectives that he caught the 6.45 tram, reached town at 7.25, and went to the pictures. He built up that story over the 3d business, and to account for not being seen that night. He said he had come out of the pictures at the end of the programme at 10.15 or 10.25 p.m. He made that statement before he was "flabbergasted." He said nothing about going to Miss Sadler's or Mrs. Luyer's shop. He did not mention those matters that he said later were immaterial, but stated that on the previous evening he had gone to the pictures with his girl. Why should he omit the most important part of his story about what he did that night? He said that after the pictures he walked around the block to see if he could find anyone he knew, then went straight home via Marquis-street under the subway. He also walked across Thomas-street bridge. Why should a man wearing a heavy overcoat choose to go up a steep hill rather than take the easier route along the flat? Why did he tell such ridiculous stories to the police? Again to blind them, hood-wink them, put them off their guard. On April 11 there was no clue, and the murder was the talk of the place. The accused saw

The Net Getting Around Him

a little bit, over the overcoat and he told this story.

Further, he rang up Miss Sadler at Woollooloo, not as an innocent man would do, saying, "The police are worrying me over this murder, and I am being suspected, and the detectives will probably come up to see you, because you went to Wagin with me. Tell them everything." Had anyone ever heard of an innocent man ringing up his girl simply to tell her to tell the truth? The accused said he rang up Miss Sadler to tell her to say that he was there from 7 to 7.30. That was not very important, because if he was there from 7 to 7.30, he

Could Still Commit the Murder

afterwards. Miss Sadler said, on the contrary, that he rang her up saying "Tell them nothing." The accused said in his evidence that the telephone was bad at the Perth end, but Miss Sadler had sworn that she could hear quite distinctly. And why should the accused ring her up?

A matter which perhaps was

The Most Important in the Case

regarding the defence was the story of the alibi. He was not going to suggest that Mrs. Luyer and Miss Sadler came to the Court and committed absolute and deliberate perjury, but he would suggest that they had made a mistake and a serious one. Experience of women folk showed that when they went along telling a story, they eventually believed it, and that nothing in this world would ever get them to admit that they were wrong. That was what had happened here. These women told the story eventually to Mr. Lavan, at the time fully believing it. But the instance to which they were referring was of

A Different Date And Time.

If the accused had gone to that shop, then he must have known when he left there that he had only 3d in his pocket, because, under cross-examination, he said that when he left the shop he thought his money had gone around to the back of his waistcoat. Counsel (Mr. Parker) asked him to have a look at the waistcoat and show how the money could get around to the back. Then accused said, "No, 4in. away." When the accused put his fingers in his pocket he would feel the weight of the money, and know it was there, and not at the back of his waistcoat. So that story of his must be wrong.

What a Remarkable Thing

that he had in that waistcoat pocket a shilling, a penny, and a threepenny bit—that he had those coins in a pocket in which there was a huge hole, which was not worn but torn. Coins of three different sizes remained in the accused's waistcoat pocket, but all the rest of the money slipped out! Could the jury possibly believe that story.

Counsel sincerely trusted that his somewhat lengthy cross-examination of the accused had not been unfair, but it was his duty to delve into the story and test the truth of it by testing the story right through. Would the accused's story stand that test? It should not be forgotten that at that time he had dipped seven times into his pocket. Only at the seventh time on the railway bridge did he discover that he had only 3d left in his pocket. Presuming his story to be true up to that time, had the jury ever known of a person walking along to catch a tram, fully confident that he had something like a pound on him, ten shillings in silver and ten shillings in a note, and carrying a bottle in one hand and two meat pies in the other, stopping at some distance from where the tram started to feel in his pocket for 3d, to

See If He Had His Tram Fare?

If he had been on the tram and had then discovered he had only 3d, there might be something in it. But what person with his hands full of parcels would stop to look for his tram fare before he got on the tram, if he knew full well that he had about a pound's worth of money on him. Counsel suggested that that waistcoat pocket had been torn, and

Deliberately Torn.

It was accused's habit to go into this shop after he had seen his girl home from the theatre, or after he left his girl's place at night. Miss Sadler had sworn that he used to leave her place in time to catch the last tram. Mrs. Luyer and Miss Johnson said that on this occasion he came in one hour before his usual time. If so, it was half-past ten, and

Not Ten o'Clock.

However, they said it was ten o'clock, and they further said that they looked at the clock; or, if Miss Johnson did not look at the clock she saw Mrs. Luyer look at it, she said. Presume it was 10 o'clock; why on earth should the accused, whose constant habit it was to catch the last tram, and who was in no hurry, because he walked all the way round, not wait for three minutes to have his pies heated? Not having the pies heated was essential, because if he had had the pies heated it would be an ordinary everyday occurrence, and the two witnesses would never be able to fix the date. So the pies were not heated, and that did fix the date—the date on which the pies were not heated.

How else did they fix the date? Because Miss Johnson visited Mrs. Bannon's on that date. Mrs. Bannon's was a place Miss Johnson used to visit two or three times a week. There was an occasion she said when she came in five minutes before Auburn arrived, and it was on that date alone she fixed April 4 and the last day that he ever went there.

Mr. Lavan: That is not in the evidence. The evidence is that she heard of the murder the next day, and that on the next morning, Sunday, she discussed with Mrs. Luyer the fact that Auburn had not been in on the Saturday night.

Mr. Parker said he must candidly admit he did not remember that. However, the jury were the judges. Mrs. Luyer and Miss Johnson said they had not recalled the matter to their minds at all until Auburn's arrest, which took place on April 16, some 12 days later. Counsel would prove conclusively that Auburn

Had Changed His Custom

about three weeks before April 4. There was another circumstance: If Auburn was such a regular customer and was in there on the night of Friday, April 4, yet on his return from Wagin, having left Wagin about 3 o'clock, and having had no food

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on the way and the Moirs having given him no food, and although he stood outside the shop and talked to two of his friends on that Sunday, why did he not go into the shop then? He had changed his custom before then. However, that did not get away from the circumstance of his not having been able to

Wait Three Minutes
to get his pies heated.

Had the jury ever known of a pishop where there were only two pies hot at 10 o'clock, and where those two hot pies were kept for a special customer? A hot pie shop usually kept its pies hot all the time, or else it would have no custom, especially at 10 p.m., just about the time the pictures usually came out. Mrs. Luyer and Miss Johnson never told one word of this story. They would not tell it to Mr. Williams, who sat there until 1 o'clock in the morning, and who admittedly was on affectionate terms with one of the witnesses—no harm in that. They would not tell him because he was

A Police "Pimp,"
and similarly with regard to Duprezel. Why on earth should they have refused to discuss the matter with those two if it was true? Why never come to light with it? Why never tell the police? Why never tell anyone? Why was the accused unable to tell this matter to his counsel? Why on earth could not the accused have told the police of it?

The accused did not tell his counsel, and his counsel knew nothing of it until he put the advertisement in the newspapers on the evening of May 12. These women saw the advertisement on the morning of Tuesday, May 13, and one of them immediately went in and saw Mr. Lavan. Did not that strike the jury as extraordinary?

It Was Very Funny, Too,
that Miss Johnson did not go in even then, but waited until the 15th to do so, knowing full well that this nice clean, well-spoken young fellow was in jeopardy of his life and that one word of that story could make him a free man at once, because their story could have been investigated, and if it was found correct, obviously the accused was not the murderer, and the man who did commit the murder could be searched for.

Mr. Murphy had been **Tackled and Abused,** because he told them he was a regular visitor to the shop to use the telephone. Mrs. Luyer said she had never spoken to him in her life, but Miss Johnson, when he walked in, roared with laughter. Obviously he was an old friend.

Mr. Lavan: There was a general outburst.

Mr. Parker said he (Murphy) told them he went in there four or five times a week to use the telephone. He knew them by sight, but not by names. It was suggested he was a professional witness desiring publicity. Why would he want publicity? Everybody

Knew "Dryblower."
A journalist wanted publicity only in his paper, and he got that. Yet it was suggested that, to get publicity, he committed perjury. It was mentioned that he had given evidence in other cases. He (counsel) would point out that on the other occasions the jury had believed him. He said that he went into the shop, and that they described Auburn to him. During Mr. Haynes' cross-examination the description he gave was admitted to be absolutely correct. They told Murphy that he (Auburn) had not been in for a long time, and that tallied with the change of custom to Golding's. How, too, could Mr. Murphy know about him seeing his girl home if they had not told him? He also said that Auburn used to sit there and meet his friends. Admittedly, that was what he did. Why did he not do that when he knew he

Had Only Threepence?
The names of the people conducting the shop were not disclosed, even in Mr. Lavan's opening address. When Auburn was

asked he was disinclined to mention names.

Mr. ... I told them the location of the shop ... I wanted to avoid

Morbid Sightseers.

Mr. Parker: Why then give the exact location? That gave the morbid sightseers the opportunity of going to see it.

They would remember that Mrs. Luyer said she told Mr. Lavan about the incident eight or nine days after the arrest, while it was actually 27 days after the arrest and some 39 days after the happening. She could not remember the day she first saw in the papers that she was to be called as a witness; yet she

Could Remember Everything
about the accused at the pishop, looking at the clock, etc. Miss Johnson admitted she read everything in the papers. The witness Roberts would have no object in coming forward to tell lies, yet he had told them that Auburn had not been in the shop that night, as was his usual custom. The two ladies at the pie shop fixed the incident because of Miss Johnson's arrival about 11 o'clock. They had heard also in evidence that Auburn was supposed to have come in an hour earlier but could not wait to have his pies heated.

Then take Auburn's story of **The Tram Ride Home.**

Auburn had stated that he went to Trouchet's Corner automatically to catch a tram, because he went there every Friday and Saturday evening. How extraordinarily automatic that was, particularly when they remembered that he went to one of the worst places to board a tram at that hour of the night, when the people from the various entertainments boarded the cars for their homes. Everyone was aware that the cars filled up rapidly, and were full by the time they got to Trouchet's Corner, whereas at Newcastle-street, according to the evidence they had heard, two or three passengers usually left the tram. Auburn did not take advantage of that, but had gone back with his parcels to Trouchet's Corner to board the tram there. Moir had told them that Auburn was not a man who cared to walk about with parcels, yet this was the story he told them. Personally, he did not think the jury would believe it. Then again, if the story that he had only 3d was true, why on earth did he not board a tram and go to Moir's, where he was expected, where a bed was waiting for him, and where he could have explained that he could not or had not secured a car? Auburn had told the Moirs and Miss Sadler

So Many Lies

that one or more lies would not make any difference. Had he done so, he would have avoided the possibility of walking such a long distance to the Osborne Park Hotel. Rather than do that, he had told the Court that he walked around the block to find someone he knew from whom he could borrow 2d. We have been told that Auburn was in the habit of catching the last tram home every evening, and surely he must have realised that the walk from the Mt. Hawthorn terminus, to which he could have proceeded, to Osborne Park was much shorter than the walk he decided to take. Auburn had told the Court that usually the same people travelled on the late cars every night. It was common knowledge that if one boarded a tramcar without a fare, one was not put off, but simply had to give his name and address to the conductor. The accused was known to the conductor, and surely the motorman

Would Have Lent Him 2d!

Again, Auburn could have paid the additional fare when he reached the Osborne Park Hotel. The probabilities were that he could have borrowed the money from any number of people who must have travelled by those late cars. Yet he preferred to take the long walk from William-street to the Leederville Hotel! He suggested that in that respect alone

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Auburn's Story Was Incredible.

As a matter of fact, Auburn did borrow 2s from a man on the tram after going a very short distance, yet he admitted that he did not know that man very well. The distance was so short that it would take a little less time to rob a man and so get the money—

His Honor: It might be quicker to do that than borrow from some people. (Laughter.)

Mr. Parker said that that was possibly so. The fact remained that Leen, who had been standing alongside Auburn, had not been cross-examined on that point by Mr. Lavan, and he (Mr. Parker) had not been in a position to ask the question himself because he did not know of the incident. Auburn knew the necessity for explaining his movement on the night of April 4. Despite that he had made not one inquiry as to the identity of the girl who sold him the ticket at the Grand Theatre that night. No one had come forward to say that Auburn had been seen at the theatre that evening. It would be almost impossible for a person to attend the theatre without being seen by someone, particularly as Auburn stated he had sat throughout the interval. Even in response to the advertisement no one had come forward to give the necessary information.

Another Extraordinary Feature

related to the bumping incident at West Perth. According to Auburn's story he had bumped into two men, and the bump had been so severe that he had been nearly knocked down and his arm had started bleeding as the result of it. In such a dark place when a person was bumped so heavily he would naturally think of garotting, and the incident would have impressed itself on the individual's memory. Despite the advertisement that had been inserted neither of the two men had come forward with information on the point. The story about Luyer's had not been mentioned by Auburn to anyone who had discussed with him the necessity for fixing his whereabouts on the night in question by some such incident. Then as to the meat pies, could the jury imagine anyone on such a hot sultry night walking such a long distance and eating two cold meat pies without a drink. One would have thought that an individual in that position would have preferred to have thrown away the meat pies and have a drink from the bottle he was carrying. A man would be nearly

Dying of Thirst

after all that. But rather than have a drink, he bought fish and chips, and had his drink later. Could any person eat two cold pies, right off the reel, without having some liquid to wash them down? At the Esplanade Gardens that night there had been a boxing contest, and the weather was so warm that people took their coats off, and yet Auburn put on a big overcoat. On the one night in his life, when he wished to be seen, he could not find anyone who had seen him during the earlier hours. Where was he? He claimed that he was at the pictures, and round the block, but no one had seen him, unless it had been at Luyer's shop. The people at the shop were the only ones accused had not mentioned to his counsel. Could the jury believe the suggestion that Cecil White had seen accused on the night of the 4th April, and that this had been

Kept Back For Two Months

before anyone was told? Would a man in accused's position withhold from the detectives his complete get out? He was with them on many occasions before his arrest, and it must have occurred to his mind, if it was a fact, that he had a complete get out. But he could not remember it until the women concerned came to light. His defence had begun then. If accused had been asked so many questions by the detectives, it was

Strange He Could Not Remember

where he was on the Friday night. At the inquest he did not tell the Coroner.

Mr. Lavan: No evidence was called for

the defence at the inquest, and there was not a line of cross-examination.

Mr. Parker: At the end of the inquest the accused was asked if he desired to give any evidence, but he gave none.

His Honor: Is that unusual?

Mr. Lavan: This is very unfair.

Mr. Parker: True, an accused person very often does not give evidence in the Lower Court. If any member of the jury were arrested on a charge of murder and had a complete get out, would not he disclose it at once?

Mr. Lavan: I say this is all very unfair.

No less than 53 witnesses were called at the inquest, and the accused was the last man of these. Acting on my advice, he did not give evidence. I told the Coroner he would not do so at that juncture.

His Honor: That is what is usually done.

Mr. Parker, continuing, asked if it was unfair to say if a man had a complete get out he would keep it up his sleeve. It was a duty cast upon him (Mr. Parker) to show these obvious things. The women at the shop had not come forward to get accused out of gaol until the advertisement appeared. Mrs. Luyer, in fact, said she was determined to

Keep Out of the Case,

though she knew "that nicely spoken young fellow" might be convicted. The Misses Golding, Leen, and Eddy, were not asked in cross-examination about the accused carrying any bottle. Leen, who was standing alongside him on the back of the tram, said he must have seen the bottle if accused had one with him. Auburn had told the police he was knocked over on the way home, but at the trial he admitted he hadn't been quite knocked over. The accused did not know whether, as a result of the collision, the bottle had shifted or not when it was under his arm. He (Mr. Parker) suggested that the story told by Mrs. Luyer and Miss Johnson showed that they were mistaken as to the date when they saw him in the shop. Why should a man go to Miss Golding's shop on four nights a week for a fortnight or three weeks prior to April 4, and there get a bottle off the ice, and every other night get another bottle at Mrs. Luyer's shop? Perhaps Auburn did get cold pies the last time he went to Mrs. Luyer's, but that could not have been April 4. Auburn said he was

Off Color That Week.

but he had been twice to the theatre, and on Friday night had, he said, invited Miss Sadler to go to town with him. Further, on the night of April 4, he walked all that way home, and ate two pies, without even a drink. Could the jury believe that story? The accused got M'Kenzie to see him home that night because he was off color, and yet immediately afterwards had fish and chips. Would it not be quite a natural thing for a person who had

Done a Horrible Deed

to get someone to see him home? Might not that person be somewhat overcome with remorse, or with the realisation of what he had done? If the accused had done this deed, probably he would be hungry and would eat the fish and chips.

Mrs. Luyer and Miss Johnson said it was incredible to them that the accused should have done this horrible deed. They still thought it incredible. When human beings thought a thing incredible they went on thinking so, and as a result became convinced of it.

Mr. Lavan: The two ladies said neither that it was credible nor that it was incredible.

Mr. Parker said the two witnesses had got it into their minds that the accused could not have done the deed because he was such a decent young fellow, and because "he was in here that night." They must have talked about it among themselves and convinced each other. Nothing would

Shift Out of a Woman's Head

such a belief so formed. And that was what had happened in this case. The accused never told one word of this story to

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the detectives, and yet now, three months later, could tell the jury in detail where and how he carried the bottle. However, he could not tell the jury whether or not he wore the overcoat. Which of the two things would one remember first, whether one wore the overcoat or whether one carried the bottle?

In starting off, the accused had been very emphatic that he had an indifferent memory. An indifferent memory could cover a multitude of sins, but the accused had an extraordinary memory when it came to matters of vital importance to himself.

Let the jury consider

The Extraordinary Story

about the finding of the overcoat. The accused said it had apparently fallen from a car coming from Marquis-street and going to Oxford-street. Why on earth should the accused pick the car as coming from Marquis-street and going to Oxford-street? The only persons who would know the direction of the car would be its driver, and anyone else in the car. There was no doubt that the overcoat was

Dropped After the Murder,

because, although Mr. Lavan said there was only a little blood on it, the mark of blood was two or three inches long. There might or there might not be small specks of blood on the other part of the overcoat, specks not visible to the naked eye or even with the aid of an ordinary microscope.

The accused found the overcoat near a Chinese garden, in a party of the city where very few people would pick up a discarded garment. The overcoat was most unsuitable for this climate. Yet the accused picked it up, dusted it, and then wore it on this dreadfully hot night. Was the accused, firstly, a person likely to pick up a coat, and, secondly, a person likely to wear a discarded coat picked up near a Chinese garden? The coat was double-breasted, and in spite of that it hardly fitted the accused. It would be almost impossible, or at all events most uncomfortable, for the accused to wear the coat and drive a motor car. Counsel would suggest to the jury later

Why Accused Wore the Coat

on that night.

If the story told by Mrs. Laver and Miss Johnson was true, would not one expect them to relieve the anxiety of the accused's parents by ringing them up and telling them what they, the two witnesses, knew? Necessarily the parents would be most anxious.

And then, within 60 yards or so of where the motor car was subsequently found abandoned, the accused got on a tramcar. The evidence of the boy Collins was that the car was abandoned between 11 and 11.15 p.m.; and it was somewhere about 11.30 p.m. that the accused got on the tramcar at a spot practically as near to the abandoned motor car as he could. The jury might ask, "Why on earth did the accused tell all this story about the overcoat?" The explanation was that the accused found himself

In a Very Awkward Position

regarding the coat. Let the jury presume for a moment that the accused committed the murder; if he did, he would be covered with blood, must have blood on him. It was quite true that he could then walk home. Apparently, however, he was not inclined to walk home. He got into a tram, and he put on the overcoat to cover his suit. All those in the tram had seen the coat. Next day the accused took the coat to Wagin. If one took an overcoat to Wagin and left it on the rail of the manger in the stable of a country hotel, would one ever expect to see that coat again? One would be very fortunate if one did see it again. There were many discussions about the coat, but all those discussions were forced on the accused.

Auburn did not, as might have been expected, say it was only an old coat which he had picked up and did not want. When he got back he saw in the papers that an

overcoat was missing. He knew that when that news got to Wagin, and the coat was found, a report would be received that a coat was there. It would

Be Thus Traced Back

eventually to him. So he went to the police, and now asks if they thought he would come to them if he were a guilty man. Purdue told him about the advertising, and said it was a matter of who got in first. Accused said

"I Get You."

Accused began to see things were getting a little difficult.

There may or may not have been blood on his hands. He kept them in his pockets. However, he could have easily washed them at the Leederville Oval, where there were plenty of taps, or he could have washed them at the river when the

Corpse was Put in the Water.

They would remember that he said there was blood on his hands, but it came from his arm. That was in case of accidents—in case anyone did see him.

With regard to the loan of two shillings the jury would remember that White made a statement to the police in which he said he got home at 11 o'clock, a statement which he repeated in that Court. If that were so he could not have met Auburn, because Auburn did not catch a tram until after 11. It would be somewhere about 11.20 when Auburn got there. So it could not have been that night that he saw Auburn.

White was not asked, the jury would remember, about the bottle, though he would surely have known. It was obvious why he was not asked. He had said that on that night it was dark on the back of the tram, while Leen said it was light enough to read. Again, it could not have been

The Night of the 4th.

Evidently this was an occasion when, for some reason or other, there was no light on the back of the tram. How much credence could they place on White's story, when he told the police he did not see Auburn, and came to that Court and said it might have been any of four nights? Accused had told the police that he saw White that night, but said not a word about borrowing two shillings! He did not mention it, although he said in that statement that he only had threepence. Auburn could not have told his solicitors either, because White was not interviewed until June. Had he told his solicitors they would naturally have got him early while

His Memory was Green.

White had told the Court that he remembered the accused bringing bottles home nightly until the evening when he lent Auburn the 2s. In his first statement to the police he mentioned the matter, and that was a fortnight before the April 4. That tallied with the fact that Auburn

Transferred his Custom

to the Goldings from the Lavers. And that went to prove the contention, because it would not be necessary for Auburn to get a bottle of soft drink at Lavers, and then get another from Goldings. The jury would probably remember White's endeavor to explain the change in his evidence. He said that when the detectives went out to see him he was flabbergasted. Evidently he would have them believe that he was not flabbergasted when he went to the solicitor's office two and a half months later on, at which time his memory would be stale.

Various suggestions had been made as to how all the statements were taken from the accused. Why should

These Extraordinary Methods

ever have entered the head of counsel for the defence. The jury would probably draw their own conclusions. The police stooped to all the most horrible methods that existed, and they were the only ones that did that! That was the suggestion, and he would leave it at that. White had told them that he always saw Auburn get on the car at the Newcastle-street corner, but the accused had told them that on two

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nights in the week he boarded the car at Trenchet's corner. It was quite possible that two friends who were in the habit of catching cars at a certain street could get on without one or other of them being aware that his friend was also aboard. However, White said he had not seen Auburn on the night in question until he was getting off. Undoubtedly White did lend Auburn 2s. in the circumstances, but most decidedly it was not on the night of April 4.

Did it not strike the jury as extraordinary that, notwithstanding all the details published about the murder case, the person who found the first clue kept the information to himself until he told some of his friends, and became the centre of a small admiring group? He was not at all proud of the feat, although he could feel justifiably proud in having beaten the detectives by finding the first clue. On the Tuesday evening, when he was in company with the three girls, the murder had been discussed, but the discovery was not mentioned. Moir's evidence was to the effect that he did not remember the

Murder being Discussed

on the Tuesday evening, although everyone else admitted it was discussed. Moir stated he did not learn anything of the murder from the accused. He also stated that nothing was spoken about it at Wagin or during the trip. Yet all the others who were there knew it was discussed on the way to Wagin. Why should the witness Quartermaine come forward and make such an extraordinary mistake regarding Moir and accused in relation to the petrol? Quartermaine admitted that there might have been some conversation between the accused, Quartermaine and Singe that he had not heard. Although Quartermaine was emphatic on those points, Moir could not say whether the accused had on a black or grey suit during Friday night, whether he had a hat on, and so on, yet he could swear that he had no parcel with him. He suggested that Moir would swear anything in favor of the accused.

The murder must have been discussed. They did not have

A Murder Every Day.

yet this particular murder, according to some of the evidence, had not been discussed. Would the jury accept that suggestion? When the accused was the only man who had heard nothing of the murder, yet he was the one man in the world who was to be arrested for the crime.

His Honor: What importance do you attach to the discussion on the trip?

Mr. Parker: After Auburn came back to Perth, when Holmes met him, he said, "What do you think of the murder?" Auburn replied, "What murder?" Would that not be the attitude of the person who committed the crime? Such a person would endeavor to throw off suspicion, and know nothing about the murder. It would have been all right if Auburn had said that he had heard of it on the trip to Wagin, but that was one of the mistakes Auburn made. Obviously he should have made such an admission. It is only through mistakes that people make that crimes are sheeted home, and this is one of them. If any one of the jury had found any of the missing articles, the first thing he would have done would have been to tell the police, and speak of it to his friends. Not so the accused, however.

Proceeding, Mr. Parker asked the jury, in view of the evidence, if they believed that Auburn did not know of the murder in these circumstances; he must have done so. As a motor mechanic, the murder must have been a matter of interest to him. As to the

Hiring of the Car.

the Court had heard the accused's version of his wages, and that of his father. Obviously Auburn did not receive any wages in the ordinary way, and he (Mr. Parker)

did not blame the accused's father for the evidence he had given on that point, for, naturally, everyone realised the extraordinary circumstances, and one's sympathy went out to him. Auburn had said that he had earned £60 in three months, yet he could pay £20 for a car! And he offered one of the motor men a £20 cheque on the Wednesday and a new pair of tyres at a cost of £22. Although he could do all this he walked 5½ miles home, because he missed the last tram. He had stated he could get £200 or £300 from his father, but what had the father said? The number plates had not been paid for and

Singe's Bill

had not been met. The father had had to pay many of his son's debts. The accused said Singe did not want his money for a month. He (Mr. Parker) contended that the number plates had been obtained for the sole purpose of putting on the car that was to take the party to Wagin.

Mr. Parker, Crown Prosecutor, proceeding said:—

If the accused had intended to get a car by foul means, and wished to disguise the fact, the best way to do so would have been to change the number plates. It had been suggested that he would not go to Ramsay for the plates, but he, in fact, was the very man accused would go to. Ramsay had already painted the "P 33" plates for Auburn, senr., and there would have been nothing suspicious about accused going to him for a new set of plates. Ramsay, however, could not do the work, and it had to be done by Abbott and Rich. Moreover, it was Ramsay who had made the old plates, which were classed as being so rough and unsuitable. Seeing that accused wanted new plates to give his father, was it likely he would give him plates like the old ones? He had asked Miss Sadler to call for them on the Friday.

The Plates Had Never Been Found.

nor had they been asked for. He (Mr. Parker) contended that they were destroyed or thrown away on the night of April 4, when the car broke down. They could have been thrown into the lake at Leederville or disposed of in other ways.

Mr. Lavan: Mr. Parker has nothing to justify that statement. There is not a word to support it.

His Honor: There is no evidence that the plates were seen after they got to Miss Sadler's.

Mr. Parker: The accused said he did not look for them and the father had not known of them. Miss Sadler said she gave them to the accused, but did not know if he took them away.

His Honor: The evidence is that the accused had no parcel when he left Moir's.

Mr. Parker: Miss Sadler was in the kitchen when he left and if the plates had been at Moir's they must have been found there. If found they would have been produced.

Continuing, Mr. Parker said it was clear they had been done away with. They were, of course, useless with a broken-down car. The father's car needed headlights, reflectors and other things, and did not need new plates. Why did not accused give him new reflectors or new classes for the lamps? Nelson had not been asked to make the plates different from those already on Auburn, senr., car. The car had been in Mr. Auburn's possession for some years, and no attempt had been made to file the corner of the plates, or the ground that they tore one's clothes. The accused had never torn his clothes upon them. Mr. Lavan had asked why accused should take O'Neil's car when the dicky seats were out of it. It was only a matter of moving a few screws in order to take out the seats. There was no suggestion that O'Neil had been asked to take out the seats. He would require to shift them in order to make room for luggage. There was no suggestion, either, that the person

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Who Ordered O'Neil's Car

was seen by anyone. Was it strange, therefore, that accused was not seen if he ordered it? Whoever engaged O'Neil did so when no one was about, or by telephone. The accused had ordered Singe's car on the telephone. If the accused had been after O'Neil's car, and all had gone well, and the body had sunk, and the trip to Warin had been made with the false number plates on, and the party had come back all well, and the car had suddenly disappeared, then for some days afterwards

No One Would Know Anything.

Whoever the murderer was, his only motive could have been to get possession of that car. There was no evidence at all of any motive of revenge, or of O'Neil having an enemy in the world. If it was a matter of revenge, would not the murderer simply kill his victim and leave the car and the victim together? Why should a murderer from revenge worry to take the victim from the spot where he was to Crawley, to near the deep-water hole, and throw him into the river, and then drive the car to Vincent-street? Plainly, the murderer's object was to get the car.

Unfortunately for the Culprit, the car broke down. Motive mattered nothing if the jury were satisfied as to facts. They could see a motive, undoubtedly a most inadequate motive; but not long ago, in a case in which Mr. Lavan had appeared, a man suffered the penalty for killing his victim for a matter of £20.

Mr. Lavan: I can quote a case in England where a man was executed on circumstantial evidence, and the real murderer was discovered 12 years after the execution.

Mr. Parker said he would take Mr. Lavan's word for that. The jury should test every link in the chain of this story, but motive was not a link. Murders were, in fact, committed for the most inadequate motives—sometimes for no motive at all. It was true there were miscarriages of justice, but that was simply because no 12 jurymen in the British Empire were infallible.

Let the jury consider all the evidence carefully and see if they could find any straw at all which the accused could clutch. They could find nothing of the kind. Let them consider the Westana-road incident. First, there was the motor cycle on which he said he found the spot. Johnston stated that it was between the 8th and 10th that he spoke about the cycle. It was on the 7th the accused found the spot. It was after that he took the motor cycle along, and it was on the Sunday that the accused was on a push bicycle. The next day Johnston came to Court and said "Mr. Parker had me flabbergasted."

It was Curious

how often that word "flabbergasted" occurred.

Mr. Lavan objected that counsel could not comment adversely on the evidence of one of his own witnesses unless he had been allowed to treat that witness as hostile.

Mr. Parker said he would produce an authority entitling him to act as he proposed. Meantime he would leave Johnston's evidence. Accused had stated distinctly that it was on April 7 he got the cycle from under bags that had been put over it. The father and mother said it was on April 4. Let the jury assume for the moment that the accused had the cycle in working order on the 7th. He told the detectives that he was riding Johnston's or Jackson's cycle. On another date, he told Blackmore that he discovered the spot by passing it in Singe's car. When he told Blackmore that, he was getting into difficulties,

Into Rather Deep Water:

and a person could not always stick to the same story, especially if it was not true. He told the detectives that on Johnson's

cycle he got half-way up the hill and then it stopped, and he pushed it up to the top of the hill. Mr. Lavan had asked the jury to believe that the accused was in such a bad state of health that he could not push his cycle across the backyard of the hotel.

Mr. Lavan: It was one of your own witnesses said that.

Mr. Parker, continuing, said the accused did not wait for the cycle to cool, did not put the belt on and let it run down, thus air-cooling the engine, but took the belt off and coasted down. The accused said the bicycle coasted down just as well as any properly trimmed cycle running free, and it stopped on this not very steep hill in the absolute hollow, instead of stopping on the flat or a little way up the rise on the other side as the case might be. Then the accused told the detectives he put the

Cycle Down on the Stand.

The cycle had been produced, and it had no stand.

Later the accused remembered that circumstance, and said he laid the cycle down just off the road. He said he stayed there for 20 minutes, and did not go off the road, but walked along near the side of the road, and from there he saw trees broken down and some oil and some tracks that were not the slightest bit suspicious. In fact they were just the ordinary every-day things one would expect to find on any suburban roads where people went out of an evening and pulled up. Then he went home, and there he found in the pulley of the cycle a leaf. Could one keep the leaf in the pulley of the cycle, even if it were

Stuck There With Gum

all the way from Westana-road to Osborne Park, a distance of several miles? Again, how on earth would the leaf get into the cycle first of all, seeing that the cycle was right in the sand? Where was the leaf to come from? That very night the accused went to the detective office and told the detectives about the coat, but did not mention Westana-road.

On the 11th when he began to see things were

A Little Bit Different,

when he was being taken off with two or three detectives to the subway, he thought, "I had better do something further now." So he told the detectives of Westana-road. Subsequently he said to Purdue, "Do you think I would have told you of Westana-road if I was in it?" Purdue replied, "Well, you know, people do go back to the scenes of their crimes." Auburn replied "Yes, I get you." He agreed entirely with Purdue. However, he did not mention Westana-road at all on the Monday. He mentioned it on the Friday. He told the jury that he did not enter into any discussion with the detectives. If a member of the jury had found the spot and taken the detectives to it would not that

Juryman be Chipping In

and having more to say than the detectives? He guaranteed that the juryman would not keep quiet.

Mr. Lavan: The evidence was that the accused tried to talk to Doyle and that Doyle refused.

Mr. Parker said the accused said he kept aloof and did not enter into any discussion. But as soon as a piece of mirror was found, he immediately said "Out of the spotlight," and that piece of mirror did in fact come out of the spotlight. The detectives searched the place and did not find the blood until they pulled down one of the trees underneath which the blood was. The murderer, whoever he was, had been back to that place in the meantime and had removed the balance of the mirror and

Covered Up the Blood.

No doubt the accused did go back to that spot, but undoubtedly not under the circumstances stated by him. Driving along to that spot at Westana-road Detective-Sgt. Purdue suggested pulling up at one dip, and the accused said, "Oh, no; it is farther on." The accused had been there only 20 minutes, and had seen nothing suspicious, nothing to keep his mind on the spot. Yet

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when the detectives wanted to pull up, he said that the spot was further on.

The accused was emphatic about the exact spot. The murderer did go back there, for no further pieces of mirror were found there, and it was curious that Auburn was able to point out the spot at once. Auburn said he told the police because he

Dreamt of the Leaf

on the cycle. How on earth would that have anything to do with the finding of the spot at Westana-road. It could have got there in a hundred and one ways, and it was improbable that it got there the way he said it did. Yet counsel had no doubt that he went to the police in

Consequence of a Dream

On the road to the subway he told Doyle that he would show them a spot on Westana-road, and later was quite anxious about it, asking "Aren't you going there?" He showed the detectives where there were tracks in and out. Why should the

Detectives Commit Perjury?

They had no reason to do so. They knew before they came to Court that there would be suggestions of perjury and "third degree." All they did was to report what they saw and what the accused said.

Was it not strange that the accused should bring in an overcoat and say "It may be O'Neil's," when, actually, it was; and to say that the Westana-road spot may be

The Scene of the Murder

when actually it was? As he (Mr. Parker) had said in his opening address, there was only one person in the world who knew where that spot was and that person was the man who

Committed the Deed

On the Sunday when James went out, the motor cycle was not working. Why should Auburn get a push bicycle to go along the plank road? At first he said it was a bad road for motor cycles, but later he admitted it was a plank road. Why should a plank road be good for push bicycles, but bad for motor cycles? Why did Auburn go out? The motor cycle would not go now.

Mr. Lavan: I object! There is no evidence about that!

His Honor: There is some evidence of what Johnson said on the 13th.

Mr. Parker said the jury could believe or disbelieve witnesses as they liked. Was it not peculiar that Auburn should go to such an

Out-of-the-way Place as Westana-road

to try the motor cycle? If the cycle broke down, look at the long walk back! If he desired to test the cycle, would it not have been better to have ridden it round the streets of Osborne Park, North Perth or some similar locality? The story was ridiculous.

Mr. Lavan: I object to Mr. Parker's statement that the motor cycle will not go now. It was taken away and we do not know who has been tinkering with it since April 16.

Mr. Parker: Of course you do not. The jury can look at the cycle themselves. It is true there is a sparking plug there, and how it got there, goodness knows; there is no evidence on that point. Proceeding he said that if any of the jury possessed any knowledge of motor cycles, the cycle could be examined.

MR. PARKER RESUMES.

Proceeding after luncheon, Mr. Parker asked if the jury believed Mrs. Luyer and Miss Johnson, or Murphy, Roberts, and the two police constables. If they believed the two women they must think that the four men committed

Absolute and Deliberate Perjury.

Those men could not have put their heads together as suggested, for they would then have told the same story. The story of the police was certainly similar in each case, but that of Murphy and Roberts were

different. It would be an extraordinary thing that four persons could deliberately commit perjury in order to have the accused convicted of the crime. It was far more likely that the

Two Women Were Mistaken in their evidence.

The motor car in question was heard making a peculiar noise at the spot close by where it was subsequently found. The boy who heard it thought it was between 11 and 11.15 that the car passed, and that it stopped near the lamp-post outside where he lived. As a fact the car was found on the opposite side of the street. Just before midnight the boy's brother saw the car there, and it was there the next morning at the side of the road. Gobbey, the milkman, and his nephew also saw it in the early hours of the morning. Mr. Lavan had criticised the action of the Crown in not calling the last mentioned as witnesses. They could not at that time have assisted the Crown. It was a dark night, and it was hard to say that they could have stated how far the car had gone before it stopped. When Gobbey saw the car

There Were No Lights

on it. If the Crown had brought those witnesses to prove that the accused was there with the car, the first question Mr. Lavan would have put up would have been, "Could it not have been a man attempting to steal the car?" Obviously that could have been so. At 4 o'clock and at other times that morning the car was seen there. The spot where the car was found was on the route from Crawley to Osborne Park. If the man seen had been the accused the spot would, no doubt, be somewhere near where he would go. The accused had been asked if there was not a steep hill in Loftus-street where it joined Vincent-street, and he had replied that there was, and that some cars would have to change gears on account of the hill.

The evidence of the motor mechanics showed that the injuries to the car could have been caused in a hundred-and-one different ways. From Loftus-street to where the car stopped was practically all down hill, and it might be that the car broke down when endeavoring to turn a corner or negotiate the hill. It was important to remember that by proceeding up Loftus-street the occupant of the car would take one way to Osborne Park, and thus avoid the glare of the trams along the main street. He had been further asked why the Crown had not called

Shilken and Banks

The police interviewed Banks, but before they could see Shilken, Banks had taken Shilken to Mr. Lavan's office. When the police saw him, he said he could not swear as to the position of the car. Neither could Banks swear to it. Shilken went on to say that at the end of May he went over the same road, and it was not till then that he knew the spot where the car had stopped. It was suggested that if the car had been left two feet on the road, as stated, it must have been seen, but the boy Thompson had indicated that the car had been shifted, and it was apparent that an attempt had been made to get the car to start. That would account for him not seeing it, or, if he saw it, not remembering it.

The defence had produced evidence that **The Car had Moved.**

How did that advance the case any further? The witness Gobbey said that he knew Auburn by sight, and the fact had been emphasised that the accused wore grey trousers on the Saturday morning in the bar. The person that Gobbey and Thompson saw had a grey hat on, and also a heavy overcoat. In addition, the boy said that the man he saw by the car was a young man. What was more likely than that the person who committed the crime would go back to the scene for one or other of the reasons he

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had indicated. The trousers, the hat and the overcoat, together with the statement that the person was a young man tallied with the accused. What was more likely than that the murderer should go back to the car to endeavor to extricate it, take it away and clean it.

Then there was the discovery of

The Button.

Would not a guilty person go back to try and find it, once he ascertained he had lost the button? As to the reason why he had not discovered it there, the jury would remember the description of the car, and the articles contained in it, the blood that was spilt there, and so on. It was a dark night and the guilty person would not be inclined to strike matches in his search for the button. In these circumstances it would be very easy to miss it.

Anburn had stated that the jigger button had come off some time previously when he was in the driver's seat of a car. He was probably in the front of the car, and if he had lost a button previously it was quite possible that he would not think of searching in the back of the car for it, but would search in the front portion. Then the question of the

Number Plates Had Never Been Disposed Of.

It was possible that, after abandoning the car at about 11 p.m., the accused would not like to be found tinkering with it, in a street like Vincent-street, for naturally people would come along and offer assistance which might have led to the discovery of the blood. The accused person would probably remember the plates and go back for them. Had the plates been left in the car the number "P. 38" would have quickly led to the identity of the owner being ascertained, and the whole thing would have come to light. The plates represented a most important feature to be disposed of, but they had not been found yet. A murderer would change his clothes, for he would not come back to the same place in the clothes in which he committed the murder.

It might be asked, "Why did he wear the overcoat?" The answer to that was that he would put on the coat because there was blood in the car, and the

Wearing of the Coat

would prevent his clothes from being stained by that blood. Even had he been seen near the car the coat would not have connected him with the crime, because, apart from one small spot on it, there was no blood on it. It had also been suggested that if the story were correct about the coat, the accused would endeavor to destroy it by burning it. How long would it take to burn a coat of that description, and what sort of fire would it require to achieve that object? It was not nearly so easy a matter as one might think, especially if one was anxious about it; in fact, it was extraordinarily difficult. The coat was a woollen coat, and wool merely frizzled up. How was such a coat to be

Burnt at Midnight in Secrecy?

The thing was impossible.

Dr. Atkinson was severely and minutely cross-examined by Mr. Lavan, whose reason was easy to see, as to whether the doctor had in fact carried out the tests according to the scientific methods. Quite obviously, Mr. Lavan desired to show that Dr. Atkinson could not prove one thing or the other. But Dr. Atkinson said that with regard to the suit there was blood, because the benzaline test had an

Immediate Reaction for Blood,

and because that reaction occurred in connection with the spots on the trousers and the coat. Although the accused told the police that there was no blood on the suit when he washed it, he now told the jury that he washed it twice, and that once there had been blood on it. Moreover, water was the best solvent for blood. The suggestion was that there was an extraordinary amount of blood on the coat from

accused's arm. Regarding the car, slightly to the left of the drivers' seat there had been a considerable

Quantity of Blood.

On the back of accused's coat there was a big blob of blood exactly where one would expect to find it, if he got that blob when he took the wheel.

There was no signs of blood anywhere in the sleeve of the coat, whereas if accused's

arm had bled he must have got some blood on the sleeve when pulling his arm out. There was absolutely no explanation whatever regarding the blood on the back of the coat.

Mr. Lavan: There was no blood on the back of the coat.

Mr. Parker said that he had just pointed it out. In Dr. Atkinson's opinion that was blood. Accused said he went home that night, and did not go out again until the next morning. Mr. Lavan asked why he (Mr. Parker) had not cross-examined as to that. Why waste time? How could such an assertion be disproved? Obviously Anburn would merely repeat it.

Mr. and Mrs. Anburn were both asked, for an obvious reason, whether the accused would not have to pass their room in order to go to bed. They said yes, and that he came in that night at the usual time.

His Honor: The mother said that.

Mr. Parker said he was assuming that the father said it to. He furthermore was quite prepared to assume that if the father and mother had been asked, did the accused stay in bed all that night, they would have replied yes.

Mr. Lavan: Such a suggestion as that he came out again has never been made during all these months.

Mr. Parker asked what did it matter whether Anburn came out again or not?

His Honor: It is purely theory on your part, Mr. Parker. There is no evidence whatever.

Mr. Lavan: The description of grey trousers and a heavy coat and a grey hat

Would Fit Me.

His Honor: I take it the description was not meant to identify anybody.

Mr. Parker: I quite agree, but it could have been the accused, and he could have come out.

Counsel asked what young man could not get out without being noticed at 3 o'clock in the morning, if he wanted to? He would point out to the jury that Mr. Lavan had said that if Anburn had so desired he could have washed the suit in the bathroom that night. If he could wash clothes without being noticed, could he not get out without being noticed?

Referring to the bleeding of the arm, Mr. Parker said that he had asked the accused, after he (accused) had said that his arm bled when he was working, if the old coat produced

Had Any Blood On It.

He said it had been to the cleaners. Counsel had shown it to the jury, and it was a mass of grease. He (counsel) would say that the arm did not bleed nearly as much as it was said to have bled. The medical evidence to an extent supported that. Dr. Moss had said that it would bleed if given a knock; so would his or the jury's—it all depended on the degree of severity of the knock. They would remember that there were

Eleven Tiny Spots of Blood

on the hat, which, it was suggested, were caused by his swinging his arm. Neither Miss Forrest nor the mother had ever seen blood in his room. Let the jury compare the blood spots on the car with the spots on accused's hat and see if they could not understand how they got on the hat. It was strange that accused's hat should have spots of blood on it corresponding largely with the spots on the motor car. If the blood had come upon the hat through the accused swinging his arm the spots would have

Appeared in Blobs,

and not in the form in which they then appeared. The overcoat might have been anywhere in the car. The evidence of one

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witness was that when the car left O'Neil's house the overcoat had been thrown over the back of the seat on the left of the driver. Had it been in that position when the murder was committed there would have been no blood upon it, because it would have been protected by the man who committed the murder. The coat might have been in many parts of the car without getting blood upon it. There was no blood on the petrol case, and it might have been under that. After the Westana-road incident, the accused said to the detectives, "Do not take me to Osborne Park. It will kill my mother. Put me inside, and I will admit everything."

It Might Appear Strange

that the detectives did not put Auburn inside. At that time Det.-Sgt. Purdue thought he was only an accomplice.

His Honor: Are you sure of that?

Mr. Parker: I thought he said so.

Mr. Lavan: Your Honor asked him what he meant by that.

Mr. Parker: He certainly treated him as an accomplice.

His Honor: He did say that.

Mr. Lavan: And Mr. Parker very quickly seized upon it.

Mr. Parker said that at that time there was little or no evidence against the accused. He certainly had handled the coat and the Westana-road spot had been found by him. The detectives had the button, but did not know where it would fit. Had they put accused inside he could have gone back on everything he had said. He had gone back on a great deal of what he had said already. The detectives did not know that evidence as to the washing of the clothes, the plates, and the iron bar would be forthcoming. They were after

The Real Culprit.

Mr. Lavan: The matter about the accomplice was heard on the Saturday when Detective-Sergeant Purdue was reconstructing the crime.

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After our report of the trial of George Auburn on the charge of having murdered John O'Neil closed yesterday, Mr. Parker, the Crown Prosecutor, continued his address. He said:—

Mr. Parker: I am speaking of the Friday night preceding, when he still thought that. At that stage Sgt. Purdue still thought that Auburn was an accomplice. Mr. Lavan had referred to the £500 bait displayed on the police poster. That poster, however, holds out that reward and a pardon to any accomplice not being the person who actually committed the offence. There was the reason why the detectives did not put Auburn inside that night. It was true that an accomplice seldom if ever gave the real person away, so that if the accused had admitted everything, but the real murderer was not secured, his

Mouth Would Have Been Closed.

Mr. Parker: Sgt. Purdue gave a reason for not taking that remark seriously.

Mr. Parker: That referred to another remark later on. However, Purdue asked Auburn if, when he said "Put me inside and I will admit everything," he meant it, but Auburn did not answer. Purdue then told him not to say things he did not mean, and again Auburn did not answer. Purdue's actions were quite fair, and he did not put Auburn inside. Had he done so there would have been a fearful outcry about the "third degree," and the terrible methods of the police. At that stage there were no grounds upon which Auburn could have been arrested.

Later on they went out to the hotel and found the suit, which was not cut about as it was now, but was intact and recently washed. Mrs. Auburn had said that the suit had been washed in March, and had only been on the line for one day. The accused said it had taken one and a half weeks to dry. That was an extraordinary state of affairs, seeing it would not take weeks to dry in the middle of winter. The evidence was that Auburn was accustomed to pressing his clothes every second day or so, yet that particular suit remained unpressed for days. Why was that? It was because he knew that it would be useless for an amateur to try and press a suit in those conditions and make it fit for him to wear. Auburn had explained the reason for washing the suit variously to different persons. He had said that he had washed a dyed waistcoat with some silk shirts. Would that have happened? What he possibly did was to wash the suit under the tap and then leave it to soak. As to the evidence regarding the loss of the button, Miss Sadler said she had seen him in the suit about two or three weeks before, but was the accused the sort of man who would go about without buttons on his garments? It was curious that that particular suit should

Suddenly Become So Dirty.

Miss Sadler said that the suit he was wearing seemed to be new, like the one he was wearing on Friday night. He did not suggest that Miss Sadler had committed perjury, but how could she say that, seeing that the accused had had the suit pressed twice since that time.

Mr. Lavan: You cannot comment on and criticise your own witness.

Mr. Parker: Certainly I can. If I could not impeach the credit of my own witnesses it would be impossible to ever put the facts before a jury.

His Honor: But it is not very usual.

Mr. Parker: The Chief Justice said that it was right for the Crown to do this, because they very often had to call witnesses who did not swear exactly to the evidence they were supposed to give. You cannot call witnesses to disprove your own witnesses' evidence, but you may criticise them.

Mr. Lavan: The most elementary authorities say you cannot criticise your own witnesses.

Mr. Parker: That is not so, but you cannot call evidence in rebuttal.

His Honor: What do you object to, Mr. Lavan?

Mr. Lavan: The statement that Miss Sadler said it was the suit he was wearing.

His Honor: Miss Sadler said that the suit he has on was very much like the one he had on that night, and that must be perfectly obvious from the facts. Do not forget that the accused has had his suits cleaned and pressed twice, and it is natural that the suit would look like a new one.

Mr. Parker said that it was very difficult to tell the difference between the suits because the accused was always cleaning and pressing them. The accused claimed that they were of a different cut, but the fact remained that they were made by the same people. Thus there would not be much difference in the cut. Fancy soaking a dyed waistcoat—not washing it, but soaking it! Accused said he wore these two suits alternately, and that up to three months ago they were quite good. Yet he also stated that he always wore the suit which the jury had seen when cleaning cars, and that he never wore the "old coat," which was quite as good as the one he now had on. The accused's whole wardrobe was in Court except the grey suit, and there was

No Sign of Blood

on any of his suits except the one as to which Dr. Atkinson had given evidence. Neither did examination of the inside of the waistcoat sleeve show any blood, of which there must have been signs if accused's arm had bled as alleged. There would have been marks of blood from the drawing-off of the waistcoat. Unquestionably the accused's hat, which was in Court, was the hat he wore on that Friday night, because admittedly it was the only hat he had got. There was the sequence of facts, that the accused had a

Suit Covered with Blood

and a hat covered with human blood. No doubt the person who committed the crime would have exactly the same.

Regarding the link button, accused told the police that he had sewn the button on, and in cross-examination he would not swear that he did not sew the link button on away from the back of the other button, and not immediately behind the other button. Looking at the hole in the coat, one could see for oneself that the button, when sewn on away from the back of the other button, was not sewn on through the canvas, but only through the material, and of course would easily pull away. A curious thing about the hole was that it had what was called a tail, and that the piece of material on the link button had the tail to correspond. It would be

Very Wonderful to Find

another button pulled off another coat to fit that hole.

(At this stage there was some discussion between counsel and his Honor as to the effect of the expert evidence given by the master tailors who were called.)

Mr. Parker next dealt with the evidence of the witness Allen, the motor cycle taxi-driver. He had said that he saw

Car No. 3481

in Roe-street about 12.25 a.m. Yet he had told other witnesses, including Mr. Lloyd and the two constables Parker and Hickson, that he was not sure whether it was 3081 or 3481. Why should he remember the number? He sat behind the car for 20 minutes, and although the tyres were affixed to it in a very crude way he could not say how they were fixed. When

Allen spoke to Mr. Lloyd he said he knew what the number was, and that it was O'Neil's car. In giving evidence, however, the witness said he did not know O'Neil or anything about him. The jury must

Judge the Value of Such Evidence

for themselves. The jury saw the two policemen who said what had occurred with Allen. Did they not look honest, and truthful, and had they been shaken in their testimony? What inducement could they or Mr. Lloyd have had for giving false evidence? Those witnesses were

only available to the Crown after Allen had given his evidence. The accused was a mechanic, and had taught people to drive. He was able to control a car in an emergency. He would be able to take a car off the road and stop it almost at once. Undoubtedly the person who committed the murder was one who knew how to control a car. Mr. Lavan

Had Blackguarded the Detectives

up hill and down dale, and in every way. He had said that Detective-Sergeant Purdue had adopted a pugnacious attitude as soon as he had been asked a question. The detective did not consider that certain testimony was evidence, and said that he (Mr. Parker) had instructed him accordingly. He (counsel) had conducted the inquiry in the inquest, and it rested with him as to bringing forward what evidence was available. Gobbey, Shilken, Banks, and others had not been brought forward by the Crown. Detectives were not allowed to get a man in and offer him any inducement, such as a reward, for him to speak. He (Mr. Parker) took sole responsibility for not adducing that particular evidence. Mr. Lavan adduced it and then blackguarded the detectives for not doing so.

Mr. Lavan: He spat it out in anger.

Mr. Parker: Who did all the yelling, barking, and so on? Who got angry? Detective-Sergt. Purdue was tackled by Mr. Lavan, and yet accused in the witness-box stated he had no complaint against the detectives.

His Honor: He did not put it in that way.

Mr. Parker: In effect he said that the accused realized that if he had complained he (Mr. Parker) would have taken him all through his statements, practically all the contents of which he had

Repeated To His Friends

The accused could not point to anything he had told the detectives he had not said outside. Fancy complaining that accused could not get anything to eat! He was in his own home and only had to ask for it. If the detectives had been offered a meal at 10 p.m. would they have refused it? The police were always ready for a meal, he thought. (Laughter.) It was suggested the accused had been subjected to an extraordinary grueling. The detectives themselves had eaten nothing during those hours. It was seven days after the crime, and the public were becoming restless. Perhaps some people were

Making Rather Nasty Suggestions about "dnds" in the police force.

Mr. Lavan: We do not know that.

Mr. Parker: Mr. Lavan does not agree.

Mr. Lavan: Not in this case.

Mr. Parker said the detectives were anxious and were getting on with the work without delay. The accused himself had not complained—was counsel justified, therefore, in blackguarding the detectives? It was grossly unfair to tackle a man in his profession when he could not answer back. He (Mr. Parker) felt it keenly that sort of thing happened time and again. He asked the jury not to judge the accused in the light of the attack upon the detectives by his counsel, but to take the facts as presented to them.

He took the opportunity of emphatically protesting against the

Constant Blackguarding

of detectives every time they came into Court. In this instance the detectives had given the accused every opportunity to make his position clear. If the officials had acted unfairly or even in an ordinary way, they would probably have run him in straight away; on the contrary, they let him go. What complaint could there be about that conduct? On the following Monday Auburn saw Monson and after that he did not say a word. He

Rang Up His Girl

and told her not to speak. Subsequently he went to the detectives and told them he would not say anything further. The detectives even then let him go, and for that they had been blackguarded. If any-

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one was to be blackguarded, it was himself (Mr. Parker), because the detectives were not the sole arbiters of when a man was to be arrested, and that was the position in this particular instance. Sergeant

Purdue Had Been Severely Criticized because he said that the tracks were not apparent. What the sergeant did say was that the tracks were apparent after they had been pointed out. Yet Mr. Lavan had blackguarded Purdue for his statement on that point. He had asked the accused if he had not had to use banksia nuts to get a line, and he had admitted that he had done so. It was obvious that anything was apparent once it had been pointed out. Why should the detectives invent the statement that the track went "in here of iron. Miss Sadler had definitely stated and out there"? Then there was the bar that when she asked Auburn what the bar was for he had replied

"To Hit You Over The Head."

She went to pick up the iron bar, thinking it was "The Daily News" rolled up, and it was so heavy she thought the parcel contained iron. In cross-examination Miss Sadler was naturally anxious to do something to assist the accused, and she said the parcel might have contained wood. She had stated before that she thought it was iron, because of the weight, and the evidence showed that it had been left in the baby's chair. Would the jury accept Moir's statement that he often brought short lengths of piping home, and left them on the baby's chair for two or three days at a time? Moir admitted he had not taken home any piping on April 4, and therefore it must have been taken home on April 3, and left in the baby's chair that night. Why should Miss Sadler

Concoct Her Story?

If lengths of piping were taken home, as Moir suggested, why were they not produced? The reason was obvious that if some such exhibit were brought forward, he would be permitted to recall a witness to ascertain if the exhibit were anything like the iron bar. That would have finished the matter. Like the number plates, however, the bar could not be found. They were the two things they would most like to see, yet they were missing, despite the fact that they were available on the Friday night. Neither had those articles been looked for.

Regarding the Proclamation

placed before the accused by the detectives, Auburn had asked about the word "Advised" in the proclamation, wherein it was set out that the Governor would be advised to grant a pardon to an accomplice other than the person who actually committed the crime.

Mr. Lavan: Auburn never said that he did not like the word advised. There is no such evidence.

His Honor: My recollection was that he asked about the word "advised."

Mr. Lavan: Later he said there was a conversation about it.

Mr. Parker: Why discuss the word "advised" if it did not crop up? Why worry about looking it up in the dictionary if Auburn were an innocent man? Proceeding, he said that at that time the detectives still thought Auburn was an accomplice, and they wanted the real culprit. Was it not extraordinary when they thought of the

Odds Against an Innocent Person

finding the overcoat and the spot at Westana-road? Let the jury work it out on a population basis!

So far his (Mr. Parker's) observations to the jury were to a great extent direct evidence. The

Strong Circumstantial Evidence

amounted almost to demonstration. All the direct evidence as to the coat and the spot pointed to one thing, that the accused was the person. Now, as to the probabilities of the case put up for the defence, Mr. Lavan had failed entirely to grapple with the strong facts. It was in vain for Mr. Lavan to attempt to grapple with them;

they were too strong for any advocate. However, accused's counsel had endeavored to divert the jury's attention from the probabilities of the case. Probabilities, suggestions, theories, suspicions, and improbabilities were worth consideration. But they were worth nothing against the facts. Mr. Lavan had attempted to show that it was highly improbable the accused would commit this murder. The Crown agreed with that view. It was highly improbable that any such murder should be committed, and highly improbable that any man or any number of men should commit such a murder.

If there was any occasion when a man might consider himself perfect safe, it was surely when he was travelling in his own motor car in the metropolis, as O'Neil had been apparently doing. This was, as remarked by Mr. Lavan, a most

Extraordinarily Brutal and Horrible Murder.

and there was no difficulty in showing that it was in the highest degree improbable that a man or any number of men should contemplate such a crime. But unquestionably the crime was committed, and there was no doubt that, after it had been committed, the car was taken and was abandoned. Mr. Lavan had suggested that the murder was for revenge; but if it had been for revenge, the murderer would not have gone away in the car; he would have abandoned the deceased and the car together, and would have got away as quickly as possible.

There were a number of circumstances which applied equally to the murderer and to the accused. Some of them were considerably stronger than others, but nevertheless all pointing in the one direction. Those circumstances were:—

(1) Murderer had blue serge suit on night of murder because of material on shank.

So did "A."

(2) "M" had suit with jigger button on that night.

So had "A." (Both his blue suits have jigger buttons.)

(3) "M" next day would have coat minus jigger button.

So did "A."

(4) Murderer's coat buttons would be of a certain make, the holes of which are bevelled (or countersunk).

So were "A's."

(5) Murderer had his jigger button affixed without being sewn on the canvas.

So had "A."

(5a) The murderer's button pulled out with material adhering of a triangular shape, or with a tail.

So did "A's."

(6) The murderer would appear to live out Leederville way (because car being taken in that direction).

"A" lives out that way.

(7) Murderer, after car breaking down, would probably board a tram near Vincent-street.

"A" boarded tram at next corner.

(8) Murderer's plans would miscarry owing to O'Neil's car breaking down.

"A's" arrangements for next morning miscarry.

(9) Murderer would board a car shortly after 11.15 (because car broke down at that time).

"A" gets on car at about 11.30.

(10) Murderer would go to keep an appointment with O'Neil, arriving in town between 7 and 8 p.m. (as O'Neil left home about 7.20 p.m.).

"A" left Moir's about 7, and would arrive in town round about 7.40.

(11) Murderer would be one badly in need of a car.

"A" badly wanted a car next day, and had difficulty in getting a car.

(12) Murderer would be going on a country trip (remember O'Neil's tyres and petrol).

"A" was going on a country trip.

(13) Murderer was going to get a car; got it, and it broke down.

Miss Sadler, "A" told her he was attending to a car that broke down.

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(14) Murderer would be a car driver with full knowledge of how to control and stop a car in emergency.

So is "A."

(14a) Murderer would conceal the fact that he was going to get a car from the rank.

So did "A." He told a lie to the Moirs. Right up till his plans miscarried he was getting the loan of a car.

(15) Murderer would presumably have no money to get a car.

"A" could not find the money next day.

(16) Murderer would get blood splashed all over his clothes.

"A" admits he had washed his clothes on account of blood.

(17) Murderer on taking driver's seat would get blood stains on his back.

So there is on "A's" coat.

(18) Murderer would have blood all over his hat, including the top.

So did "A."

(19) Murderer would change his clothes next day.

So did "A."

(20) Murderer would wash his clothes soon after.

So did "A."

(21) Murderer would have to have some crook number plates especially as O'Neil's were taxi plates of a special design (black upon a white ground).

"A" had some ready.

(22) Murderer would have some weapon ready.

"A" had an iron bar that night.

(23) Murderer got away with O'Neil's overcoat, and would have it that night.

"A" had his overcoat that night.

(24) Murderer would know the scene of the murder.

"A" was able to find it within 60 hours.

(25) Murderer would no doubt be unstrung after such a terribly brutal murder.

"A" had to ask M'Kenzie to accompany him to the hotel, as he was feeling crook.

(26) Murderer would be a man of a cold, cool, cynical, and calculating nature.

They had seen Auburn in the box. Did they think him of that nature?

(27) Murderer would avoid discussing the murder.

"A" avoided discussing it as far as possible on the Wagin trip, and had asked Holmes "What murder?"

(28) Murderer would be unable to find anyone who had seen him between 8 and 10 p.m.

So was "A."

"There are 30 circumstances," concluded Mr. Parker, "which apply equally to the murderer and the accused (5a and 14a make up the 30). The evidence is entirely circumstantial, but circumstantial evidence when derived from

Admitted Facts

—and there were many in this case—is most reliable, because, if invented, it would not fit in with the facts. The law does not demand that you act on certainties; you must act upon the evidence. The law asks for no more or no less. If you have

any reasonable doubt in your minds the accused is entitled to go free. Ask yourselves what is the cumulative effect on your minds of the many varied and independent pieces of evidence, all pointing in one direction, and tending

To Implicate the Accused

and the accused alone. If you think there has been reasonable proof of the accused's guilt, the law demands that you give your verdict, with courage and regardless of its consequences.

THE SUMMING UP.

On resuming this morning, his Honor prefaced his summing up with these words: "I hope the case will finish to-day. If not, I will sit to-morrow."

Addressing the jury, his Honor then said:—I have no doubt, gentlemen of the jury, that in considering the evidence given

in this case you will pay regard to your oaths, and listen to nothing, and hearken to nothing, beyond the evidence you have heard in this Court. The accused is charged with the wilful murder of John George O'Neil in the State of Western Australia. On the question of law, I would inform you that any person who unlawfully kills another is guilty of a crime called wilful murder, with certain exceptions that do not arise in this case; and a person who unlawfully kills another, intending to cause his death, is guilty of wilful murder. Mr. Lavan himself has commented upon the awful injuries the unfortunate man O'Neil received, injuries that he stated clearly indicated an act of revenge. There can be no doubt, I think, in your minds that O'Neil was

Unlawfully Killed.

and that the person who killed him intended to cause his death. That seems to be beyond dispute. It is not necessary for you to come to the conclusion that the accused inflicted the injuries that caused the death of O'Neil. If he was aiding another person with the common object of killing O'Neil he is guilty of murder. I merely mention this, because Mr. Parker put it forward to you that this case has not gone on the assumption of any third person being present, but that the accused is the person who killed O'Neil. It will be necessary, I regret, for me to go through a good deal of the evidence. I will be as short as possible. It is now the end of the fourth week since the case commenced. It may be that some important detail of the evidence brought before you, and connected with important issues in the case, has been overlooked. I shall endeavor, therefore, to bring before you any matter that may have been forgotten. You must recollect also, in listening to my remarks, that it is

My Duty to Assist You.

If I express an opinion, as I may inadvertently do, it is not my opinion that matters. If you have a different opinion, that is the opinion which should guide you. And you must always recollect that you are the sole judges of the facts in this case. I may point out facts to you, and I may point out evidence, but it is your province alone to decide what facts are true in the various views which have been placed before you by counsel.

On the morning of April 5 a workman named Julian going to his work discovered near Crawley Bay, on the Perth-Fremantle road,

The Body of a Man

lying in the water. It was about 7 a.m. He reported to the police, and Police Constable Bannear came upon the scene. It may be desirable to remind you of what he states he saw. The body was clothed except for the hat and the coat, and the coat was wrapped round both feet of the body, up towards the knees. The constable examined the body, and he has described to you the injuries, which Dr. McKenzie has also described in his evidence. A sum of only 7s 3d was found on the body, found in one of the trousers pockets, and the hip pocket was turned inside out.

The constable saw marks leading back from the shore towards the Crawley-road as if some object had been dragged along. He followed them for about 70 yards to the road, and he noticed some

Blood Upon the Tracks,

and especially on the tram rails. He said the blood was very visible on each of the rails. There was a drag mark ending in what is known as the Crawley-road, the road which goes to the University, and there the constable noticed some motor car tracks, and some of these tracks were very clearly shown as being the tracks of new tyres. He followed those tracks back to about 15 yards in the direction of Crawley, towards Crawley Point. There, he said, they finally turned round and came back towards the Fremantle-road.

The body was taken from there by the police to the morgue, and it was identified by a taxi driver named Cooper. There

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There can be no doubt about the identification. Two pocket handkerchiefs were found upon the body, one being marked "John O'Neil" and the other "J. O'N." There is no doubt that the body discovered in Crawley Bay was the body of John O'Neil.

Dr. M'Kenzie saw the body on the Sunday morning. Here there may be a slight error in the evidence, which, however, is only of importance for this purpose, that in the course of Sunday morning Dr. McKenzie could not give any opinion as to when rigor mortis had set in. So, as far as the doctor's evidence is concerned, you cannot fix by medical evidence the time

When the Murder Took Place.

The wounds have been described by Dr. M'Kenzie. A report has been put in, one of the exhibits, and sworn to by the doctor in the box; and from that report you can gather what was the nature of the wounds. The brain was terribly battered about. There was a terrible wound somewhere on the back left-hand side, through which, if I recollect rightly, the brain could be seen; and all those wounds, with the exception of one which I shall mention a little later, could, according to the doctor's evidence, have been caused by an instrument like a cold chisel, or a big iron bolt with a square nut on the end of it—some heavy instrument, not necessarily very heavy; the doctor describes it as an instrument of some weight, and struck with sufficient force to inflict the wounds which were seen. The doctor said that all the wounds except the one on the forehead could have been inflicted by an instrument of that nature.

The wound upon the forehead, he said, was one which might have been caused by O'Neil's face coming in contact with the jagged edges of the car. But that wound was not a serious one, and we do not know when it happened. It may have been before O'Neil's death or after his death. It was not the wound which caused his death. With the exception of that wound, all the wounds on the head, which

Almost Battered the Head to Pieces.

could have been caused, according to Dr. M'Kenzie, by an instrument of the nature I have mentioned to you.

It is almost unnecessary to say, Dr. McKenzie told you, that those wounds could not have been self-inflicted, and I think there can be no doubt in the mind of anybody that O'Neil was unlawfully killed and wilfully murdered. The question you have to decide is, who is the murderer? As regards the tracks where the motor car turned to the water in which the body was found Detective-Sergeant Purdue gave evidence to the effect that the car had turned round to face the Fremantle-road again before the body was taken out. In indicating the tracks he mentioned one pair of tracks as being those of new tyres, and the other pair as being those of well-worn tyres, and the reason he said that the car had been turned before the body was taken out of it was that the

Blood Stains on the Car

were on the right-hand side of the mud-guard. Had the car not been turned they should have appeared on the other side. It is common ground in this case that the number of O'Neil's car is 3481.

On the evening of April 4 O'Neil made his preparations. They were preparative not for the taking of a short trip, but a trip of some considerable length, or, at any rate, duration. He had the car overhauled and the tank was filled. The old tyres on the back wheels were taken off and put on the front wheels, while on the back wheels two new tyres were fitted. That corresponded with the evidence of the detectives in regard to the nature of the tracks discovered down at Crawley. Then there were various things put in the car—a spare jack, a spare tin of lubricating oil, and a tin of petrol. The car was overhauled generally. On that afternoon at about 5 o'clock, a man named McCallum, father-in-law of O'Neil, saw O'Neil making his preparations for the trip, and assisted him in making them. He also gave

evidence as to the preparation. Goggles were taken; not that goggles would be used by O'Neil about the city or even on a short trip; they were for use on a long trip. Then O'Neil took a suit-case, shaving materials and everything to indicate that

The Unfortunate Man

was going on a trip which would occupy several days.

Now there is one point about M'Callum's evidence, a fact that has been discussed considerably in this case. M'Callum told us that O'Neil took an overcoat with him. That coat has been produced in this Court as his coat, and M'Callum says it was over the back of the seat, on the left-hand side of O'Neil the driver. Mr. Lavm has argued that the only place where human blood has been proved to exist on that coat is on the cuff. There may be other stains on the coat which look like blood, but are not blood. Mr. Lavm's argument is that if that coat was where it was when O'Neil left, on the left-hand side of the driver, over the back of the seat, it must have been covered with blood. That may or may not be correct. You must bear in mind that the probabilities are that the

Person Who Committed the Murder

would have been on the left-hand side of the driver. But the coat may not have remained in the position in which it was when O'Neil took on his passenger. O'Neil must have had a passenger, and the passenger, getting into the car, might have thought it would be more comfortable for him, or more convenient, if the coat was put in the back of the car. I mention this incidentally to show that I do not think you can give very much indication from the coat merely because it is not covered in blood. We do not know where the coat was; it is possible, although it may be improbable, that it remained where it was put when O'Neil started.

O'Neil left home at 7.20 on the evening of April 4. The next we hear of that car is from a man named Tracy. Tracy had been in town on a motor cycle. He left town at about 10 o'clock that night. The time, as indeed all the times in this case, is estimated. Between 10.15 and 10.30 p.m., according to his evidence, Tracy was going home towards Nedlands. When he had got down the Nedlands road about 100 yards, beyond the Subiaco entrance to the park, he was on his left-hand side, and there was a car coming up on the car's right-hand side, which is the wrong side for a car coming up. When this car was about 35 yards from Tracy the car swerved across to the left-hand side, which was its proper side. Tracy was rather indignant with the driver of the car that he should have been on the right-hand side. He was a little annoyed at it, and he called out to the driver and noted the number of the car which he saw was

Car 3481.

So the first actual knowledge we have of this car from the time it left O'Neil's place at 7.20 p.m. was at 100 yards beyond the Subiaco entrance to the park, and between 10.15 and 10.30 p.m. It was probably nearer 10.15 than 10.30.

Nothing more is heard of that car, according to the evidence of the Crown—and it is not at all certain it was the car then—until about midnight. There was a boy named Edwin Collins—you saw him in the box and probably came to the conclusion that he quite understood what he was saying and what he was doing—who lives in Vincent-street, and he told you that on that night he was over at the picture show doing something to a bicycle in the office of that picture show building which is close to the Leederville reserve. He told you that he looked at the clock in the office and it was then 10.50 p.m. He says that he went across to his home on the other side of the street, got into bed, and about 15 minutes later—of course that is only an estimate, as it could only be when he was lying in bed—he

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Heard a Motor Car.

His attention was drawn to it because the car made a peculiar noise and he describes it as a "burring noise." You may attach some importance to his description of it, but it is not easy to describe the noise of a car, and the noise has already been described by various witnesses in various ways. Anyhow, the boy says that he heard the car about 15 minutes after he had got into bed, and that would be roughly about 11.15 p.m. He also said that he heard the car stop, but he did not see it. From what he heard, however, he gathered that the car had stopped somewhere close to the house where he lives and quite close to where it was ultimately discovered. He said: "It stopped not far from our place. The next morning between 8 and 9 o'clock I was going up Vincent-street, and I saw a motor car in front of Chinnery's in the sand. Chinnery's is three or four houses from our place. When the car stopped it seemed to be near the lamp-post near the school. The car was just across from the lamp-post in the morning." He did not see the number of the car, and his evidence amounts to this, that about 11.15 p.m. he heard a car

Making a Peculiar Noise,

which he describes as burring, and that car stopped somewhere about where he saw it next morning but that he did not see the number of the car at night or in the morning.

Mr. Lavan: He said he could not say it was the same car.

His Honor: He did not see the car the night before at all. His brother, Herbert Charles Collins, lives in the same house with him and got home at 10 minutes to 12 that night. He said that he noticed a motor car between the Leederville Picture Hall and Oxford-street. It was at the picture hall that the youngster said he saw the clock at 10.50 p.m. that night. This witness said: "There were no lights on the car. It was

In Front of Chinnery's Place.

The two off-side wheels were on the road, and two on the sand. The car faced west. No one was in it so far as I could see." All that witness has to say to identify the car is that it had no lights—that does not amount to much—but that the car he saw on that night had two wheels on the macadamised road and the other two wheels on the sand. It may have been of importance, because other witnesses have spoken to the car being in the same position. That is the only evidence which that witness gives you about the car when he saw it at about 10 minutes to 12 that evening. He goes on to say: "I saw the car in the same place next morning at 6.30." He also said: "There was a brake bar on the car hanging down from the car." The reference to the brake bar is of importance, because it

Tallies With the Description

the police gave of the car later on.

Chinnery, a butcher, who lives in Vincent-street, said that on the morning of April 5 he put his head out of the window at 4 a.m. to call his brother-in-law, and he then saw a car standing in front of his house. He left home about 20 minutes to 5. He looked at the car and struck a match. He saw that the number of the car was 3481. One front door on the left side was open and the hood was up. He saw the police in the afternoon. It was not until 4 o'clock in the morning that Chinnery saw the car 3481. The question is whether the car No. 3481 was that which young Collins

heard about a quarter-past 11 that night. Two witnesses,

Banks and Shilken.

were called by the defence. Banks is a caterer. He had a job that night at St. George's Hall and finished at midnight. He then motored home with his partner, one of the staff, and a friend. He went up Hay-street to Axon-street, Subiaco. He then turned to the right and crossed the bridge by the St. John of God Hospital and dropped a passenger there. He then went along as far as the Leederville sta-

tion and turned off at right angles at Kimberley-street. After going along Kimberley-street he dropped his partner near the lake on the west side of Vincent-street. After he left town that night he remembered meeting a car—a Ford—on Railway-parade. He said that in Kimberley-street he also met another Ford car, and that this was stationary. This was to show that he had observed certain cars. He then went on and crossed Oxford-street and proceeded down Vincent-street going east. He says there was

No Car in Vincent-street

stationary. This was just after he had passed Oxford-street. He said there was no car there at all. Shilken was the only man with him when he crossed Vincent-street, and he gives evidence to the same effect. He said it was about 12.15 to 12.30 in the morning when they crossed Oxford-street. There was no car in Vincent-street at all. He was very definite that there was no stationary car there. He said they had the lights on that night. Later on he gives evidence that they were talking. If these two witnesses are right in their duties and if they did not miss any car while they were talking—it was a dark night, and they had lights on their own car—it is strong evidence that at any rate, the car which young Collins heard was not O'Neil's car.

It is for you to say

Whether You Believe These Witnesses.

You have heard their cross-examination; it is for you to say whether you believe them when they say positively that when they passed that spot there was no car. You may have some idea that when you are sitting in the front seat of a car with the man that is driving, and you are talking, you do not see very much; but it is for you to say whether you believe the evidence of these two witnesses as to that particular occasion. You must also recollect that there was no reason why at that time in the morning they should be on the look-out for a stationary car without lights. They saw one at the top of Kimberley-street. You also have a witness called by the defence named Allen. You saw him in the box and you may have

Noticed His Manner.

This is perhaps typical of a certain class of witness. At any rate, whatever you think of his evidence, he can hardly be described as a careful witness. I took down three consecutive answers given by him in cross-examination. One was: "I may have discussed the matter with the constable." The next was "I may not have done so." The third was "I did not." These three consecutive answers do not show very great care on the part of the witness. He says he remembers the 4th of April. The next morning at a quarter to 1 he was in Roe-street. He was waiting for a passenger, and noticed a car in front of him facing towards Beaufort-street. It had its lights on. The car was

No. 3481.

That is, O'Neil's car. He had seen no one in it. Certain conversations were then put to him in cross-examination as to whether he had said something else to a police constable. He denied that. Two police constables were subsequently called. Then also he was asked why he had not come forward and given this information before. His answer was, "Although I knew that my evidence would establish Auburn's innocence, I decided I was not going to come into the case." He admits that he knows perfectly well he can give evidence which will prove the innocence of a man who is in danger of his life, and he calmly says "I decided I would not come into the case." That does not show a particularly

High Grasp of Morality.

or of what is due from one man to another who is in danger of his life. Now, Lloyd was one of the constables who spoke to him.

Mr. Lavan: He was a merchant, Sir, not a constable.

His Honor: Yes, he was a merchant and a J.P. He says that he saw Allen on Tuesday, April 8, about five minutes past 2, and that he said to Allen, "What do

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you think of the murder— and that Allen said, "I saw that car on Friday between 11 and 11.30 p.m." He was referring to O'Neil's car. So he told this witness that he saw it between 11 and 11.30, and the evidence he gave in chief was that he saw it at about a quarter to one. He told Lloyd he was passing down Roe-street and noticed a car in front of a certain house there, and either he, Allen, or his passenger thought it was his brother's car. He stopped his motor cycle and had a look at the number of the car, and saw it was 3481—which is O'Neil's number. He tells Lloyd not only a different time when he was passing down there and stopped his motor cycle to have a look at the car, but says he was looking at the car with his hands like this (folded), looking straight at the car for 20 minutes, with the light on it, and so saw the number. He may have been telling the truth, but, as I said before, he does not seem to be very careful what he says.

Police-constable Hickson saw Allen at the Economic corner at 8.20 p.m. on the Saturday. The constable said he asked Allen whether he saw a car in Roe-street "last night or early this morning." Allen said "Yes." Hickson then asked him "Was it 3481?" Allen said he was not sure whether it was 3481 or 3081. That comes from a man who told one witness he stopped his motor cycle to take the number of the car, and also said he sat for 20 minutes looking at the car. Now he tells Hickson he was not sure whether the number was 3481 or 3081. Hickson went on, "Allen said that this was about 12.25—not 12.45."

Then Constable Parker was called, and he told us that he saw Allen, I think, on Monday, April 7. Parker told Allen it had been reported that he (Allen) had seen car 3481 on the Friday night. Allen then said he saw a car outside 226 Roe-street, but thought the number was 3081. He was sure there was a 3, and 81 at the end, and therefore thought it must have been O'Neil's car. He was

Not Sure About the Nought.

Then Constable Parker told him he could say what he thought about the car, and Allen said he did not want to be dragged into the matter.

It may mean that Allen saw a car there at a quarter to one, as he says; but you, gentlemen, have seen the evidence, and you have heard what the police constables say about it, and it is for you to judge whether you think Allen's evidence is worthy of taking into consideration or not. You may discard it, but of course if you believe Allen's evidence it is quite clear that the car which young Collins heard stop outside the house was not O'Neil's car.

However, the matter does not rest with Allen's evidence. Two other witnesses were called—a milkman, who was going his rounds on the morning of Saturday, April 5, and his young nephew, whom he had with him. This boy was in the habit of going round with his uncle on Saturday morning; and you must have gathered from his evidence that, besides being a very useful assistant, the boy was

A Very Useful Watchdog.

The milkman says he remembers the morning of April 5 when he went on his rounds, which included Stanford-road, on the west side of Oxford-street. Stanford-road runs parallel with Oxford-street about 100 yards distant from Oxford-street. The milkman said that while he was in Stanford-road he saw reflected motor lights from Vincent-street in the direction of the football ground. He was in Stanford-road

at the time, according to the evidence. You have a plan showing that he was about 100 yards west from Oxford-st. It was while there, he says, that he saw the reflection of motor lights. He did not see the light itself, but the reflection of it. That may be of some importance, because it may be that you will think that the reflection of motor-car lights would be more

likely to attract his attention if the car was moving, especially if travelling at all fast. Anyhow, he saw it coming along Vincent-street from the direction of the football ground. He said it was a fairly dark morning, with no moon. At this time the youngster was not with him, but was down the road in Vincent-street serving at a wine saloon. And as the boy told me afterwards in cross-examination, this was about the length of a cricket pitch from Stanford-road.

Mr. Lavan: Not quite so long.

His Honor: Not quite so long. He was down Vincent-street, and the boy, thinking the lights belonged to the car of the milk inspector, promptly

Ran Back to the Milkman.

no doubt to warn him. When the boy sees him, the milkman says the boy came back to the corner of Vincent and Oxford streets. And then the milkman noticed the motor car with the lights on standing about 100 yards down from Oxford-street in Vincent-street. Then he says he noticed these lights as soon as he turned out of Stanford-road into Vincent-street. He then went down Vincent-street, and before he crossed Oxford-street the light went out. He also says he heard the engine of the car running, and that when the lights went out the engine stopped. He served some customers in Vincent-street, on the east side of Oxford-street. Then his horse becoming restive, would not pass the motor car, which was standing there.

This was about 4 o'clock in the morning. He got out and led the horse past the car, and looked at the car, a grey car with a yellow hood and numbered 3481. He also says there were two tyres strapped on the back. "I had a look," he says, "because I thought it might be the milk inspector. They generally put out their lights. The car was right opposite Chinnery's. As I walked the horse past the motor a man walked from the motor car over to the footpath and stood under the shop verandah, next but one to Chinnery's." He then chained the wheel of his own cart and served a customer, and when he came out he found the pony had turned on to the footpath. Having regard to what was discovered in that motor car, the quantity of blood in it might have had something to do with the horse refusing to go past. Those who know horses know that many of them

Do Not Like the Smell of Blood.

He goes on to say that the man was wearing a grey felt hat, turned down all round, and a dark overcoat. Later on he said it was a heavy overcoat. The man had a grey felt hat turned down all round. If anybody did not want to be identified it's just the way he would wear his hat.

The man wore a dark heavy overcoat and light trousers, but the milkman says he could not recognise him. He went on his round up Vincent-street serving some more customers, and then turned back on his round past the Leederville Hotel. There he noticed the same man as he had seen before near the motor car. Who that man was there is nothing to show; because the description of a light felt hat, a dark heavy overcoat, and light trousers might at night time be applied to many persons in this Court; it is not a very distinctive description.

Young Horace Thompson giving his evidence said that in Vincent-street he was serving a wine shop when he saw a motor car coming down the hill near Worthington's shop. The lights were on. He thought it was the inspector's car. He confirms the evidence about the horse being restive and about the lights going out. He tells us when he first saw the car it was moving. He did not see it stop. He then went back and told his uncle. It was afterwards that he saw that the car had stopped. I asked him some questions about the position in which the car was. Some of you who may have looked at a motor car on a dark night with the lights

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on, and coming straight at you, a couple of yards away; I think that in those circumstances

You Will Probably Admit

that it is difficult to say whether the car was moving or not. But this boy speaks of the car when it was moving as being about half-way down the hill—I do not know whether you have seen the spot—alongside the football ground. Of course, it is very much easier when the car is coming down hill straight at you to notice the movement of the car than it would be if you and the car were on the one level. He then went on to say that the car stopped some distance from where he had first seen it moving.

His Evidence is Important.

If the car was there about 11.30 that night Auburn could have been in the car, and yet caught the tram at the Leederville Hotel corner, which he told us was about 40 yards away. If, however, the car was not there that night, and did not

Get There Till 4 a.m.,

then, having regard to what is known of Auburn's movements subsequent to 12 o'clock, there is no justification for assuming he was in the car if it did not get there till 4 a.m. However, that is a matter for you, gentlemen. I will deal with the point later. Constable Drysdale gave evidence as to the condition in which he found the car at the corner of Vincent-street on the Saturday morning. It is unnecessary for me to tell you about the condition of the car, for you have already heard about it from counsel. If the car were in the condition as described by Mr. Lavan, it would have been, to use his words,

A Shambles.

You have an important piece of evidence in the course of his statement, however, in that in the back part of the car on the floor about 4 inches from the door a link button is found. The constable told you that there were bushes and green leaves hanging in the front part of the car as if it had been through bushes. He also told you that he found the car standing outside Chinnery's. He also said there was a button he found in the back part of the car about four inches from the right hand door, heavily stained with blood. He gave that button to Inspector Condon, and by means of other witnesses that button ultimately reached the Government analyst, and the hands of expert officers who have been called to give evidence. The button was also produced here. The car was

In a Damaged Condition.

It would not go forward. The person who had got the car to proceed to that point had evidently been compelled reluctantly to go no further. Had it gone backwards it would have run down hill, but as a means of

Conveyance for Escape

it was utterly useless. You have heard the evidence of the material damage to the car. It was ultimately taken from the spot at Chinnery's and found its way to the police yards. You, gentlemen, have inspected the car. I do not propose to say anything about the movements of O'Neil's car. I have put forward the main facts that have been brought forward in evidence concerning it. It will be necessary for you now to consider

The Movements of the Accused.

He used to visit Miss Sadler, who has been called as a witness. She lived with her brother-in-law, Mr. Moir, and his wife, in Mt. Lawley. The accused was accustomed to visiting her, often taking her out, and taking her home, via Bulwer-street. You must have been convinced from what you have heard that his visits to Miss Sadler must have been frequent, perhaps every night in the week when he could get off. The accused was a man who had no fixed employment, and depended for his livelihood upon the money which his father gives him. His father has told you that he keeps him working at the hotel because if he did not do so he would have to employ someone else. In fact, Auburn has been in receipt of no fixed salary in the

ordinary sense as would be the case of an employe. You must have been convinced from the evidence you have heard in Court that Auburn received money from his father, which may have borne some proportion to £4 15s, from which was deducted board money. But the fact remains that it was practically an unfixed amount.

Auburn was in the habit of attending picture shows. Some weeks before April 4, we have been told that

A Trip to Wagin

had been arranged, in which arrangement, the accused, not a man of means, was to take Miss Sadler, Mr. and Mrs. Moir, and their three children, and the two Miss Quigley's, down to Wagin. We were told that the trip was arranged three weeks before, and Saturday morning was fixed for it. According to the evidence of the Misses Quigley it was fixed for a week beforehand. That is common ground. Auburn had told Miss Sadler that he proposed to borrow a car to take them down from a man named Ford, at Winterbottom's, where the accused was previously employe. Miss Sadler tells us that the car proposed was at first a Buick Six, and later a Willys-Knight was mentioned. It

May Be Only a Coincidence.

but a Buick Six happened to be the class of car that O'Neil had. There is no evidence, however, that Auburn at any time knew O'Neil, or had anything to do with him. Some days before April 5, a telegram was received from Wagin, where Miss Sadler's sister was. She was not in good health. The telegram was to the effect that the sister was seriously ill, and Miss Sadler intended to go to her immediately by train as soon as she got it. Auburn, however, persuaded her not to do so. He said, "If your sister is no worse, why not wait until Saturday when we are all going down?" They waited. Accused at this time, early in the week, had made no arrangement about the car. Now we come to the question about which you have heard a lot. You will perhaps

Think it Significant

though it is entirely a matter for you to say. The accused says that in order to make a present to his father, who rather ridicules the idea of a present, he got some plates for his motor car number P38. That is the number of the single-seater owned by accused's father. These plates were obtained by Miss Sadler on the Thursday at the request of the accused. She took them home with her, and that is the last that has been seen or heard of them. If the plates are of any consequence,

It Does Seem Curious

that the defence should not have produced them now. Mr. Parker suggests that as they are not produced, and they had something to do with the case, they had been got rid of. He suggests that they are at the bottom of Monger's Lake. They may have had something to do with the case. The theory is that this was a pre-meditated crime. The suggestion is—although there is no evidence of it—that the accused had all along made up his mind to go in O'Neil's car, and take it for a tour somewhere around the South-West. He was going to get the car whether O'Neil was in it or not, so it is suggested. In order to disguise his movements he does certain things. There may be some reason in this, but for the life of me

I Cannot Understand

why anyone who is about to commit a crime should choose as the number for the false plate the number of his father's car. Mr. Parker has laid stress upon it, and you may be able to see it, but it is beyond my comprehension. Obviously the number of a plate if found on a car would give some clue as to the person connected with the car. Mr. Parker suggests that the person who was at that car at 4 o'clock in the morning should come back and take these plates, amongst other things, away and get rid of them. The suggestion is that this person is the accused.

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Why Get Rid of Them?

Because the number of the plates will correspond with the number of his father's car, and bring the matter straight back to him. It may be you can see some sense in the Crown theory, but I cannot understand why, if you are going to falsify number plates, you should deliberately select a number which will have some effect in bringing home the crime. I have expressed my opinion upon this, but it is your opinion that should guide you.

Mr. Parker: I suggested that after the trip to Wagin the number plates would be removed from the car, the plates destroyed and the car abandoned. I did not suggest that the number plates were at the time on O'Neil's car.

His Honor: The suggestion is that the plates would be put on the car in the country in place of the real plates, and that later on they would be got rid of.

This, Too, is Dangerous.

If there were a hue and cry as to who had stolen, say, O'Neil's car, and a description of the car were given, a Buick Six, colored so and so, and a police constable saw a car answering to the description and bearing a plate number P38, if he thought there was anything about it to suggest it was the missing car, he would at once inquire to whom the number P38 belonged. It is for you to express an opinion on the facts, and not for me, but at present I cannot see the connection.

Mr. Parker: I suggest that if O'Neil's body had not been found by anyone, no one would know his car was missing.

His Honor: It is plain that any number chosen near home for a false number to be put on a car might in the long run prove a source of serious danger to any person about to commit a crime. It was arranged to make the trip to Wagin on the Saturday. According to Miss Sadler, on the Thursday night the accused said to her he would be up the next night at Moir's at 7.45 p.m.

EVENTS OF APRIL 5.

The next thing which is brought forward is that at about 10.30 on the morning of Saturday Miss Sadler rang him up. He had not come back on the Friday night as she expected, and she rang him up. She says, "I rang him up about half-past 10 on Saturday morning at the Osborne Park Hotel. I asked him where he had got to the night before. He said nothing. He said he would explain when he came. I went out to do some shopping, and I got back home about half-past 12. Accused was there. He said he was sorry he could not keep his appointment last night." That, of course, refers to his going back to Mrs. Moir's on the evening of Friday, April 4. "He said there was something the matter with the car. He referred to some part. He said

He Would Hire a Car.

I told him he had better not waste his money on cars, but had better see my married sister, and if she would go I would go. He went to see my married sister." That conversation, of course, is denied by the accused; but that is the account Miss Sadler has given of it, and she has stuck to it.

Then on this particular occasion the accused was wearing a grey suit. Miss Sadler says: "He had a grey suit on. I said something to him about the difference in the suits. I never liked him in his grey suit. As far as I know, he had three suits; the grey, and two navy blue suits, and one had a button off." I will deal with that later. Miss Sadler never had any knowledge of the old suit of which you have heard. She told us Auburn used to wear the grey suit occasionally. There would be no need particularly to remember his wearing a grey suit but that he wore a grey suit on that day is not in dispute. Up to this time you will note

Nothing Has Been Said

about the hiring of a car. He also told her he would bring a car with him. He was asked to stay at the place so that the party could leave early in the morning. As

you know, the Miss Quigleys also expected him early in the morning.

Then there is evidence as to what took place on the Friday night. The accused came to Moir's that night, and he was there not very long; but when he left he did not promise to come back to sleep. I think that from the evidence we must come to the conclusion that this was left

Rather Indefinite;

he might be back. Up to this time he had made no arrangement whatever about the car—right up to this time; and they were to start early on the Saturday morning; and he did not come back that night. He says that on this particular evening—for some reason which we do not know—he and Miss Sadler were not very friendly; that they differed about something,

Probably About Nothing,

and the accused went on to say, "The night before I asked Miss Sadler to come down town with me while I arranged for a car. I intended to go to the St. George's Terrace rank. It would take a very few minutes to get a car, and I intended to go for a walk round town." He also says, "I intended on the Friday night"—which is somewhat in contrast to what happened on the Saturday—"to have a car from Singe first. I decided I would wait until Saturday morning, when Miss Sadler said she would not come down town with me. I then decided I would wait until Saturday morning to make arrangements about the car. I thought I would wait until the morning. It was an act of petty spite." Then he goes on to say that on the Saturday morning he was delayed until about 11 o'clock. At any rate, he left Miss Sadler on the Friday evening about 7.40, or between half-past 7 and 20 minutes to 8. The accused says that if Miss Sadler had gone down with him on the Friday night, he would have persuaded her to agree, and he would have hired the car then. She would not go down, and that is the reason why he did not hire the car earlier. It is rather an extraordinary thing, a trip having been arranged three weeks before, and a week before, when Miss Sadler suggested to go down and see her sick sister at once by train, Auburn having persuaded her to wait until Saturday, that nothing should have been done to secure a car for the trip. It is an

Astonishing Fact.

The accused gives as his explanation of not getting the car on the Friday night that he had had a slight quarrel with Miss Sadler, and that in order to inflict a certain amount of vexation upon her he totally ignored the Moir's and their children, who were looking forward to the trip, totally ignored the Miss Quigley's, whom he had asked to go with him, and

Worse Than That

totally ignored the sick sister, who could not help herself, whom Miss Sadler wanted to go and see by train immediately, he having persuaded Miss Sadler to wait until the Saturday for the car. It is a most extraordinary thing. It is a most extraordinary fact.

Mr. Lavan: There is some evidence of a telegram, your Honor, after she was back.

His Honor: Whether she was back or not, he promised to take Miss Sadler down to see her sick sister, and whether the reason given about the condition of the car on the Friday night is true or not, before you can believe what he tells us, on that point, you will have to consider first, whether he is as

Heartless and Disregardless

of the feelings of others, of women, one of whom he professes to be exceptionally fond of, as would be logically concluded from his attitude.

The accused tells up that on the Saturday morning he came into town with his father. Miss Sadler had previously rung him up, and he had said he would come in and explain. He comes into town with his father to somewhere near Foy's. He told you that on the previous night he was going to get Singe's car. He comes to Foy's, but does not go straight to Singe.

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Does not arrange for the car then, but goes out to Miss Sadler's. This after what he told you, that he arranged for Singe's car on the telephone. But he would have you believe that it is the simplest thing in the world to hire a car at any time. Yet if we followed the evidence, we know that he went to four men on the rank that day, George, Craik, Moody, and M'Kinley, and you heard their evidence. You will probably

Come to the Conclusion

that none of those four men was willing to take on the job. It is not difficult to understand, for it appears that at some time not very long before, the father of the accused had advertised that he would not be responsible for his son's debts. He said that he had paid £150 worth of his debts. The accused would have you believe that he had certain money which he could draw from his father. But you must be satisfied from the evidence that there was nothing at all he had to draw; there might be something he had to recoup, but nothing he had to draw, or

Had the Right to Draw.

His father told us that the accused had a birthday present of £21, which he could get at any time, and for which the father had drawn a blank cheque. The father says the son knew he could get that sum when he wanted it. I am going to ask you to consider that statement. The accused has given you all sorts of suggestions that he had been able to draw from his father at any time. But it never entered his head that there was a birthday present of £21 which he could get from his father whenever he wanted it. That was brought forward by the father; the son did not mention it. It is

A Peculiar Circumstance.

When the accused came to engage Singe for the trip, Singe does not seem to have objected to taking him. Singe had known the accused's father for a good number of years. I think he told me the accused's father had been at the Cleopatra Hotel, Fremantle, and at the Bedford Hotel, Perth, before going to the Osborne Park Hotel. It must be obvious, I think, that the accused's father has had some 20 years' experience as a publican in various hotels. Singe had known Auburn, senr., for a long time. According to Singe's account the accused told Singe that he would pay him on their return from Wagin. The accused has a different impression, holding that Singe said he could pay at the end of the month. Singe is positive that the arrangement was that he should be paid on return, as he says accused suggested. Accused wants you to believe that he was to pay Singe at the end of the month. Why should it be at the end of the month, seeing that the accused was not in the receipt of a monthly pay? Under the circumstances, you have to consider which was telling the truth—Singe or the accused. Which is the more probable story? It is entirely a matter for you. The party left Perth about 4 p.m. We have had a great deal of evidence about

Conversations on the Murder,

which were held on that Wagin trip. The party undoubtedly were aware of the murder—I am not referring to the accused. With the exception of the accused, the whole of the party were aware of the murder when they were at the Osborne Park Hotel that Saturday afternoon when the accused was getting his bag and his coat. It may seem strange that according to the evidence of the accused, of Miss Sadler, and of Moir, the murder was never discussed on that trip. On the other hand, Quartermaine and Singe say that the murder was discussed in all its bearings.

You may think it would be a strange thing when such a horrible thing as this murder had happened, and when all the party knew of it except the accused, if it was not discussed in these circumstances. Some witnesses swear positively it was discussed in the hearing of the accused; Miss

Sadler, the accused and Moir say it was not. The question is, what is the importance of it? It certainly would have a bearing on the credibility of the accused, but beyond that I do not know it has much

Bearing on the Crime

that has been committed.

You may think, of course, that if the accused had had something to do with this crime he would not be likely to say a word about it to anyone, but Mr. Parker was pointed out that the importance of it is that it was not until he got back to Perth from the Wagin trip, and when he met Holmes, that, according to the account given by the accused, he never heard anything about it. Holmes states that it was on Sunday, April 6, that he saw the accused at the corner of Newcastle and Beaufort streets between 10 and 11. He told us that he said to the accused, "What do you think of the murder, George?" The accused replied, "What murder?" Holmes then said, "A taxi-driver had his head bashed in, and the body was found down at Crawley." Auburn then said he had just got back from the Wagin trip, and that that was the first he had heard of the murder. That is the importance that Mr. Parker attaches to this conversation. Of course, it is possible that Auburn did not hear of the murder, but you have heard the circumstances, and it is for you to say whether you believe the accused or not. I could quite understand that if the accused had anything to do with the murder he would probably say that he knew nothing about it. That may or may not be the explanation of the matter. That is for you to take into consideration.

The next point of importance that we have to consider is

The Evening of April 17.

On the afternoon of that day a notice appeared in the Stop Press column of "The Daily News" which indicated that O'Neil's overcoat and a small cushion from his motor car were missing. The accused's account is that he saw the notification in the paper that evening. He said, "On Monday night I went to Woodroyd street to see Miss Sadler. She had an engagement in town. I went to the detective office, and saw Miss Sadler afterwards. I had seen in the paper about the missing overcoat belonging to O'Neil. I saw Detective Purdug. I told him that I had found a coat in the West Perth subway. I said I had seen the advertisement in the paper and asked for a description of the coat." You will remember, gentlemen, that

No Description of the Coat

appeared in the paper. Auburn further said that when he received the description he told the detectives that he thought he had the coat that was wanted. Continuing, Auburn stated, "He asked where it was. I told him I had left it at Wagin on the Sunday. He asked if I could obtain it, and I said it would probably come down in two or three days' time, and that if it did not come down in that time I will write for it. I did not say that I would wire for it. What Purdug said about my finding the coat is correct."

Sergeant Purdug's account is somewhat different. Purdug said, "On Monday, at about 8 p.m., I saw the accused at the detective office. I did not know him at all. He told me his name. He said, 'I believe you are looking for a coat.' I said 'Yes.' He asked me what it was like. I told him I was not sure, but I would ask the inspector. He said, 'I think I have the coat you are looking for.' The detective then said: 'I found out the description and told the accused.' The description was that it was a heavy, dark green, English striped coat, worn about the neck. The accused said: 'That is it.' The detective then asked him when he could bring it in. He replied: 'That

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is the trouble. I was down at wagon and left it there." The detective asked him when he would get it up, and he said he would wire for it. He stated he had found it on Friday night walking under the West Perth sub-way, that he had picked it up, looked at it in the light, and, seeing no one about, he had taken it home with him. He also told the detective he had been at the Grand picture show, and said: "To tell you the truth, I had only 3d left, and had to walk that way to catch the tram at the Leederville corner, so as to get to Mr. Hawthorn."

He also said—and this is rather significant—"he thought it had fallen out of a motor car coming from the direction of Marquis-street, and going up towards the street that joins Oxford-street." According to Detective-Sergeant Purdue, before the accused had been given a description of the coat, he said he thought the one he had was the one the detective wanted, and he also made the statement about the motor car coming from Marquis-street. How the accused could have come to that conclusion it is difficult to say. Of course, if he had known the way the car did go it would be easy enough, but why he should suggest, not only that the car came from the direction of Marquis-street, but also that it was going up towards Oxford-street, it is difficult to follow. If you look at the map you will find that the sub-way under the West Perth railway leads to many places besides Oxford-street.

Why Oxford-street?

Mr. Lavan: The evidence was that the coat was found in the north-west corner of the subway.

His Honor: True! Why should Oxford-street be mentioned? Between the subway and the Thomas-street bridge there is another street branching off to the right. When you first get to the subway going north, and coming from Marquis-street, you find Railway-parade runs parallel to the line up to the Thomas-street bridge. On the other side, less than half-way up to the bridge, Havelock-street comes in, and that leads into Loftus-street. Loftus-street, it is suggested, is a flat road.

Mr. Parker: I said that Havelock-street runs on the flat.

His Honor: There are several roads leading off. Why Oxford-street should have been particularly mentioned is a matter for you to say.

There May Be Nothing In It.

It is difficult to know why Oxford-street should have been mentioned by the accused. On the Thursday night the accused made a trip to Claremont in Singe's car with the two Misses Quigley and Miss Sadler. It was on that occasion he asked for Allport's address. Allport is the man with whom it had been arranged to send up the coat in the course of a day or two by a car that was coming up. Nothing of much importance seems to have occurred after that until we get to the evening of Friday, the 11th. On that evening the accused by appointment went to the detective office to show where O'Neil's coat had been found. He had told them on the Monday about it. At this time, although Auburn had not written or wired for it, the police had the coat in their possession. Mr. Parker attaches some importance to the coat being left behind. It is entirely a matter for you to consider. No particular care seems to have been taken of the coat, and the accused does not seem to have

Attached Much Importance to It.

I believe it was taken out of the car at the hotel. It was ultimately found in a manger. How it got there no one knows. When the accused was reminded of it by Miss Quigley, who said it was not in the car, he does not seem to have taken much notice of it. One does not see how it could have been of great intrinsic value to anyone. Accused accordingly went with Dets. Doyle and Kennedy to the West Perth subway, and showed them where he had found the coat. On the way he

Made an Important Statement.

to Sgt. Doyle. He said, "On Monday afternoon when I was down on the road between Claremont and Nedlands I saw the tracks of where a motor car had bumped into the bush and broken down some scrub, and also tracks where something had been dragged into the bush and dragged out."

His Honor, proceeding, said Auburn said to Detective Doyle: "I will show you these tracks if you like." Sergeant Doyle said, "We will see about it." The accused denies the part of the statement that something had been dragged in and dragged out.

Accused then gives his account of the finding of the spot. (His Honor read the evidence given by the accused regarding his journey to Westana-road, concluding: "While there I noticed a broken tree, also some motor tracks parallel with the road, some small scrub broken down, some of the leaves of the scrub being covered with oil. In towards the bush there were two distinct tracks. I stayed there about ten minutes till the bike got cool, and then went along the road to Nedlands, and then straight home." The question of the bicycle I will deal with subsequently.

On the return to the police station they all went out to see the

Spot in Westana-road.

What happened there has been pointed out over and over again, and I do not propose to repeat it. There is the evidence about the accused saying that there were tracks where a body was dragged in and where it was dragged out. The accused denies that statement. Whether it is material is for you to say. No doubt there were drag marks there, and blood there, and hair there, and broken glass there. Undoubtedly something important had happened at that spot.

The only way in which you gentlemen of the jury are connected with it is

The Curious Coincidence

that the accused should be the man, not only to find the coat, but also to find the spot where, it is suggested, the murder was committed.

Then the parties returned to the police station and a statement was taken from the accused. That statement is of considerable importance. It becomes important not only for what the accused said in it, but from some of the explanations he has given since. (His Honor read the statement in extenso.) You note that he says: "When I arrived in the city on the evening of the 4th I went straight to the Grand Pictures." Here you have a statement given to the police, not mentioning the fact that he had gone to Miss Sadler's place first. He says nothing whatever about his interview with Miss Sadler on the evening of the 4th. Of course, he may have regarded as 'the city' when he got out at the Town Hall. He stated further that he remained at the Grand Pictures until the finish of the programme, at 10.15 or 10.25. Those times, he says, are mostly

Estimates of the Detectives.

He goes on, "I was alone in the pictures all the evening, and saw no one I knew that I can remember. When I left the pictures I walked round the block once, round Hay-street and William-street." There is an account given by him to the police of his movements on that night, and he does not say one syllable about the visit to the shop at the corner of Newcastle and Beaufort streets, which is put forward as a most important piece of evidence by his counsel to show that he could not have committed the murder.

Not One Syllable!

His statement continues, "I then walked straight out to Marquis-street, en route to Oxford-street, Leederville, after walking round the block." Not a word about his coming back to the corner of Newcastle and Beaufort streets, and finding, when he gets on the bridge, that he has no money, and then coming back to Troucett's corner to get on the tram. Not a syllable of all that! He says further, "When passing through the West Perth subway I

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picked up an overcoat, about 11.30. I have since ascertained it belonged to the late Jack O'Neil." In the box he did not seem to know that at the time he made the statement he knew whether he carried the coat or not. "I picked up the coat, and dusted it, and had a look at it under the light close by. I took the coat home. I carried it." There he says he carried the coat.

"When I got near the Leederville Hotel, in Oxford-street, by the Chinese Gardens, I was walking on the footpath on the east side, and two men were coming in an opposite direction. I went to get out of their road, and went to the same side as they did.

And They Bumped Me.

They knocked me over." He subsequently explained that he meant they knocked him to one side, when it was pointed out that he had under his arm a bottle which would probably have got broken. "They knocked me over, causing a wound in my right arm to be broken open, a wound which for some time has been breaking open and giving me trouble. This bump caused the wound to bleed, and the blood ran right down to the palm of my hand. I continued to walk, and caught my tram at the Osborne Park terminus.

It was about 11.45 when I caught the tram, and I got home about 12 midnight. "Themotorman of the Osborne Park tram helped me up to the gate. My arm was paining me. I did not tell the tram driver that I had found the coat. On the Saturday morning I drove with my father to the city. I stopped in town and engaged Billy Singe's taxi and afterwards

Went Up To My Girl's Place

at Mt. Lawley." He also says, referring to the finding of the spot at Westana-road. "I put my bike on the stand." The bicycle has not got a stand. Then he tells how he sat near a ti-tree and how he had a look at the tracks and the oil smears. He says he left soon afterwards, and did not think any more about it at all until he got home, and saw a leaf in the belt of the bicycle. After that he did not give it another thought until he dreamed about it that night.

After receiving that statement, Sergt. Purdne decided to take the accused to his home. The statement was taken about 6.30 in the afternoon. They were some time in taking it, and it was about 9 o'clock when they started for the Osborne Park Hotel. Sergt. Purdne told the accused they would have to go out and make

A Search of His Room.

Naturally the accused did not want to go home and be there while they searched his room, but also naturally the police decided to take him with them. After the room had been searched, the officers brought the accused back to the station, where he made another statement, but between these statements there occurred conversations about which a great deal had been said.

Sergt. Purdne states that the accused said "Put me inside and

I Will Admit Everything."

Sergt. Purdne said to accused, "Do you mean what you say?" Accused made no answer. Sergt. Purdne said, "If you do not mean what you say, don't say it." That evidence, I am inclined to think, would not have been brought out at all but for something that occurred in cross-examination. Even supposing that accused did say it exactly as Sergt. Purdne says he did, I do not think it should be taken too seriously against the accused. Sergt. Purdne's reluctance to take the answer rather indicates that the police did not attach very much importance to it. At all events, that is the way it appears to me. Even if the police do not attach much importance to it, that is no reason why you should not do so either. You saw the way the answer was brought out, and you heard Sergt. Purdne's evidence. It is for you to judge what the effect of that answer is. Auburn denies it; says

He Never Said It.

It was after that they went to the hotel and the search was made of Auburn's

room. It is necessary to remind you of the evidence here. Sergt. Doyle says "Late at night I went with Purdne and the accused to the Osborne Park Hotel, and had a conversation with Auburn, sonr. Then Purdne and I and the accused went to the accused's room upstairs. On the back of a chair covered by other clothing I found the clothing produced."

Mr. Lavan: That was the washed suit.

His Honor: Yes. Sergt. Doyle continued, "I noticed that it looked as if it had been recently washed, but not pressed. I said to the accused, holding up the clothing.

"When Did You Wash This?"

He said 'About two weeks ago.'" I asked him why. He said that it had got dirty when he was working on a motor car. I asked him how he washed it. He said that he first washed it with petrol, then with cold water and salt. I then pointed out a little

Hole at the Back of a Button.

and Auburn said 'There used to be a link button on there, but I lost it about six months ago. I cut a hole in the coat when I saw the link was off.' Sergeant Purdne then produced the link button and placed it on the coat and the accused said 'They are alike all right.'"

Sergeant Purdne confirms that interview generally, and then dealing with the button said that when Sergeant Doyle was indicating to him by signs that the back of the coat showed that there was something missing, and when the accused saw that his attention was being drawn to it, he told them that there used to be a link button on the coat there, that he had made it himself, and that it had been lost for about six months. Purdne said that he took out a link button that he had in an envelope in his pocket, and that he said to the accused "I have a

Link Button Here, and It Has Blood On It. I invited him to examine it on the coat." The accused said it was like the one that was missing. Purdne further stated that he took possession of the clothing and three vests, and they returned to the police station. When they returned to the station at approximately between 10.30 and 11 p.m.

Auburn Was Cautioned

for the first time, and another statement was taken from him.

Proceeding, his Honor dealt with Auburn's statement that was taken on that occasion, and pointed out that the accused had signed it and that it commenced with a statement that he had been cautioned, that he need not answer any questions put to him or say anything. Later, in Court, his Honor said Auburn had sworn that he had not been cautioned at that time. He signed the statement which contained the admission that he had been cautioned, and yet in the box he denied that he had been cautioned. In his statement Auburn said that the coat and trousers found in his room at Osborne Park were his property, and had been washed by him about two weeks before by the use of petrol, cold water and soap. In the box the accused said that that was a mistake, and that they had been

Washed Three or Four Weeks Before.

In his statement Auburn further said that the coat he had washed originally had a link button. It had become loose, and had been sewn on by himself two or three times. The link, however, had been missing for six months. He further said that the button that had been on the coat was of the same kind as had been shown to him. He further said in his statement that he had washed the clothes because he thought he might make some use of them and might use them when he went out in motor cars. In the witness box the accused had said that that statement should have read to the effect that he had washed the clothes that he might use them when working on the motor car. There was a great difference between the two statements.

Mr. Leen, of Trenchet's, had boarded the car going towards Mt. Lawley on the Fri-

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day night, and the accused said that he got on that car about 11.45. He said that Cecil White, recently of Osborne Park, had been on the same tram and that McKenzie was the driver of the Osborne Park car that night. When Auburn was in the box he said that he gave that information to the detectives because he had been asked if anyone saw him on the tram that night. Auburn also said that he could not think of anyone else who saw him that night. Auburn might have been referring only to the tram ride, but according to the statements in court during the proceedings he must have seen several other people or been seen by them, some of them being important witnesses. Then Auburn went on to say in his statement that there had been

No Blood Stain

on his clothes before he washed them. He stated later in court that that statement was incorrect.

Mr. Lavan: No, sir. You will remember, he said there were two washes.

Mr. Parker: One in January and one in March.

His Honor: Did not he say that statement was incorrect?

Mr. Parker: Yes. He stated that it had been twisted and turned.

His Honor: The note I have says: "The statement that there was no blood stain on my clothes was not correct." I do not see the bearing of it, but it is for the jury to say. I wish the jury, however, to know what Auburn said. Auburn proceeded in his statement to say that when he lost the button he cut the link off. At the same time he

Had Out the Material

and so on. He said that he meant to use the clothes when he was cleaning up the car or attending to some mechanical work. He also said he would use it when riding a push bike. Then Auburn went on to say that he did not remember trying to put on the overcoat in the subway at West Perth, but that he was not sure whether he got it on or not. He said that Cecil White would know if he had been wearing the overcoat, and further said that he got off the tram at Anzac-road and went to the fish shop which Mrs. Eddy used to keep. Then he said he went to Osborne Park by No. 16 car. The statement concluded by a reference to Auburn having

Read Over the Statement

and to its having been true. He now says No. 16 is wrong. I do not attach any importance to that.

Mr. Lavan: It is obviously wrong.

His Honor: Some considerable time was taken up in getting that statement. Apparently the accused signed it about 12.30. The detectives then took him to Dr. Barker's, arriving there about 1 o'clock. Accused says that after they had seen Dr. Barker, Detective-Sergeant Purdue took him about 15ft. away from the back of the car, and said to him if he had anything on his mind he should

Get It Off Pretty Quick

He also said to accused if he had any friends in this they would drop him. Accused asked how he stood as regards himself, and he says the detective informed him he was going to think it over until the morning. When the accused asked him to explain his position the detective, according to Auburn, gave no answer. Accused then said, "This is not the only occasion you have given me the same advice"; that is, about getting it off his chest, and he also says that Detective Doyle told him not to be a fool. He states further that Detective Purdue asked him whether he had told everything he knew, and the accused had replied "Yes." This was repeated two or three times, and the accused says they took him home about 2 o'clock.

His Honor at a quarter to 1 adjourned the Court until 2 p.m.

Resuming at 2 o'clock his Honor said: I was dealing with the statement concerning the events of April 11—Friday—when

the accused was in the company of the detectives

For About 12 Hours

Mr. Lavan has suggested to you that the inconsistencies and inaccuracies contained in this statement are due to the fact that the accused was for a long period under constant questioning by the detectives. Mr. Lavan has gone out of his way

To Abuse the Detectives

for the course they took. Let us look at the facts. The accused was not under cross-examination, constant questioning, for 12 hours. He was no doubt at different periods during the 12 hours questioned by the police, and closely questioned. It was the duty of the police in the circumstances to question him closely. The suggestion made by Mr. Lavan is that the police abused the powers they had, and got the accused to answer questions incorrectly that are now produced against him. It is on

Rare Occasions

that counsel for the defence contradicts a deliberate statement made by his client in the box. Det.-Sgt. Purdue says: "While the accused was making the statement his demeanor was quiet and normal, and he showed no signs of distress, nor did he appear flurried." Det. Doyle said the accused was not distressed at any time while being examined. I will come to the statement of the accused presently. He had a conversation with York, who said, "It must be pretty awkward having detectives questioning you all the time." Auburn said "Yes,"

"You Are In the Mix."

There is very great difference between a matter being awkward and one being flurried, and assenting to a statement one did not mean. Monson says the accused told him he had made several statements to the police and they had got him muddled. Do the statements show that they are muddled? Do the contents indicate that there is any sign of exhaustion on the part of the accused at the time he gave them? They are not statements that are suddenly made; they were

Discussed at Length

They were read over to the accused, and he signed them. Look at Auburn's own evidence. "I cannot say I was flabbergasted by being with the police from 6 to 9 p.m. on Friday. My memory was quite clear. Very little pressure was put on me." That is Auburn's own statement. He goes on, "I have no complaint to make up to the time I went to the hotel. On my way back to the police station I asked for something to eat. This was about 10 o'clock. They said, "You will get that soon enough." I was not allowed out of the detectives' hands at the hotel." As to the second statement that I have read he said, "I gave the second statement voluntarily but they twisted it." As to how they twisted it you must think for yourselves. I have read the statements and the variations he made afterwards. Again he said, "I saw Monson. I did not tell Monson I was flabbergasted." He also said "I think I was upset." Again he says, "There was nothing in the two previous statements I wanted to correct on the Monday."

He does not complain of the statements at all. What he does complain of, or at all events mentions, is that when he had been out at Westana-road and they left about 6 o'clock he wanted to know

Something About Tea

and they told him he would get that later. He had no food, and in this Court here he rather complains that they did not give him any food after they had been at the hotel. I daresay food would have been an advantage to him, and it might have been given to him; but I do not think the absence of food shows in any way that the statements were not deliberately made. The accused does not really make any serious suggestion that the statements should be corrected, beyond pointing out the various things to which I have alluded.

It is suggested that he could have got

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food at the hotel. Well, in the circumstances, which you thoroughly understand, I think you can readily supply a reason why the question of food at the hotel was overlooked both by the accused and by everyone else concerned. Still, Mr. Lavan

Made Strong Comments

on the police regarding this matter; and it is for you to judge whether those comments are justified, having regard to what the accused has said, and what happened during the 12 hours. It is quite unnecessary for me to defend the police, and I make these remarks only so that you can appreciate what has been done in this case. The police, of course, have to do their duty for the protection of the public. Whilst Det.-Sgt. Purdue is held up to you as asking questions impressively I would remind you of what I quoted to you before about the conversation in which the accused said, "Put me inside and I'll confess everything," and

Sergt. Purdue's Obvious Reluctance

to take advantage of that when it was said. Further, you must recollect that that statement was not brought out in examination-in-chief, but in cross-examination by Mr. Lavan.

Mr. Lavan disputed this, and said the statement was brought out in re-examination.

His Honor: On April 11 the police took the accused back home, and he was to come in again on the Saturday morning. He called at the detective office at 2 o'clock on the Saturday, he says, and was kept there until half-past 7, Purdue being with him all the time questioning him. No statement was taken on that occasion. The accused has said here, "I did say to Purdue, 'If I were a guilty man would I have told you anything about the coat?'" I said also, "If I were a guilty man would I have shown you the tracks?" Purdue said "No; but sometimes people return to the

Scenes of Their Crimes.

Then there was a long conversation between the two of them as to how the crime was committed, and hypothetical cases were put. No doubt Det.-Sgt. Purdue was endeavoring to get something out of the accused that would help him against the accused.

On the Monday there occurred a conversation about his being told he could

Go and Have his Tea,

when he did not seem to understand. The upshot of that conversation was that the accused was rather pleased that he was allowed to go back to get his tea. On Monday, April 14, Auburn made another statement. You will recollect that this is the statement which was made in pursuance of a promise that if he was allowed to go home he would come back and give satisfaction to the detectives as regards the crime. The detectives say he said he would give satisfaction "to you"—meaning the detectives—but not to himself. The accused's version is quite different—that he would come back and give satisfaction both to the detectives and to himself. It is for you to judge.

On the Monday when he came into the detective office he was there for some time.

He had previously seen Monson, who advised him to make no more statements to the detectives. After waiting some considerable time, he says, he went out at a little after 5, having been there since 2 o'clock. Purdue arrived at 7 o'clock, and then the third statement was taken from the accused. (His Honor read the statement, the effect of which was that the accused had no more information to give to the police.)

That was after the interview with Monson, and it was also after a telephone message that the accused had given to Miss Sadler at Woolooloo on the same day. You have heard what that telephone message was. The accused's version differs from that of Miss Sadler. Accused says he remembers telling her "If you say that, it is all you need say." Miss Sadler says he told her on the telephone she was to

Say Nothing to Anybody

who came up. Perhaps too much importance need not be attached to either of those statements. It is for you to say. If a man had got himself under the suspicion of the police, and they were questioning him; obviously with a view to seeing whether or not he was guilty, I do not think there is anything unreasonable in that man telling a young girl of 18, who might not be too discreet or too accurate in what she said, to be careful in what she says. That it was a telephone message putting Miss Sadler on her guard does not necessarily imply that the accused is guilty. However, you have the conversation for what it is worth.

On April 16 accused was arrested. Up to this point you have some extraordinary circumstances and you have

The Extraordinary Coincidence

that the man who found the coat found also the alleged spot at which the murder was committed, along Westana-road. In this, as in most murder cases, the guilt of the accused depends upon inferences which you have to draw from the facts proved in the case—that is, from circumstantial evidence. Naturally, all crimes are committed

As Secretly As Possible,

murder especially so, having regard to the penalty of death which is involved. I will direct you later in respect to the principles you should apply to the facts of the case being circumstantial evidence.

But, in considering this question, it will be of great importance that you pay attention to some of the leading ingredients in the case, such as the clothes the accused was wearing on the night of the murder, the button found in O'Neil's car on the subsequent day, the blood, human or otherwise, found or apparently found on the clothes of the accused—I will deal with the question of bloodstains later—the truth or the untruth of the explanations given by the accused as to how he discovered the coat and the spot. There are many other matters which I need not go into in detail, but which you will realise become of importance when you are considering the case and have to give

"Guilty" or "Not Guilty"

upon circumstantial evidence.

It is common ground that Auburn had a grey suit, two blue serge suits, and another old blue suit which does not come into the case at all, except, perhaps, for the purpose of considering credibility. He had an old hat which does not come into the case and he had no overcoat; the only overcoat he had was the one he says he picked up in the subway. He had another hat which he always wore and which is the hat produced in Court upon which Dr. Atkinson, the Government Bacteriologist, swears there are

Traces of Human Blood.

On the night of April 4, when the accused went to see Miss Sadler, he wore a blue serge suit and his usual hat. Mr. Lavan has relied upon the evidence of Miss Sadler as saying that the suit the accused is now wearing in that dock was the suit that he had on when he went to see her on the evening of April 4.

Mr. Lavan: The evidence of Miss Sadler and of Blackmore.

His Honor: You are thinking of the missing button. I will deal with the missing button separately. Just now I am speaking of the suit. Miss Sadler in cross-examination referred to the suit worn by the accused in the dock. She said, "The suit the accused has on is very much like the suit he had on on the Friday night. The other blue suit he has is not as new-looking as the one he had on on the Friday night and now. I have not seen the other blue suit for some time. The link button was on the old suit." She does say there that the accused

Wore the Same Suit

on the Friday night as he is wearing in the dock, but in the circumstances that is

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not positive evidence on that particular point, for in her previous answer she said, "The suit the accused has on is very much like the one he wore on the Friday night." Of course, he has two blue suits, which, for the sake of classification, were

Fit to Wear in Public.

Naturally, when he went to see her, he did not put on the suit which was dirtiest in appearance. And we know that accused had had one suit cleaned twice since his arrest, once before the inquest and again before his trial.

Mr. Lavan: It was pressed up, but I do not know that it was cleaned.

His Honor: I have it definitely. There is no doubt about that. Naturally what Miss Sadler recollects of the accused's suit is that he was wearing a blue suit, and I have no doubt it was the more respectable of the two. I should think that a suit

Cleaned Twice for Special Occasions

during the last two months would be quite as respectable in appearance as the suit he wore on the night of April 4. So there is very little to be got from that point. Then we have been told that the two suits were purchased at the same time in Melbourne; both were of blue serge; both had link buttons, but that there was some difference in the cut, which difference, however, has not been pointed out to us. The question you have to decide regarding the blue suit is not as to whether the suit he is wearing in the dock is the same as he had on on the Friday night, but relates to

The Missing Link Button.

Dealing with the link button, as there are some very important considerations relating to this, I will read some evidence on that point. Miss Sadler said that the button was off one of the blue coats. She had seen that that was so several times when Auburn had been up at their place during the last three months. It is quite obvious that she was not referring to the evidence on June 11, but to something later on. She said in another portion of her evidence that she had not seen the other blue suit for some time, but that the

Button Had Been Off

the old suit. She said that she had seen the link button off the coat during the last three months, and within two or three months before April 4. She swore that she had seen him wearing the old suit with the button off within two or three months before April 4. She further said, "I saw him wearing a suit with a button off about three weeks before April 4. I do not remember. I think it was three weeks before, but I do not remember the dates, I am not sure. I noticed a button off three or four times, and I did not offer to sew it on for him." There is nothing in that. You will notice from Miss Sadler's evidence that it is quite obvious she

Could Not Fix the Time.

but she knew she had seen the button off several times, and within a period of months. You must take her evidence on that point for what it is worth. There is this to be said for her. It would have been rather surprising if Miss Sadler had fixed a definite date when she saw the button off unless something very particular had drawn her attention to it, and fixed the date in her memory.

Mr. Lavan: The most we can take is that it was some time before April 4.

His Honor: That is the effect of it. I have already pointed out to you the evidence of Sergeant Doyle and Purduc as regards the button they put on the washed suit at the hotel on which occasion accused said, "It looks like it." That is a non-committal remark, and there is nothing much in that. You can see it for yourselves. I have read what the accused said to Doyle, and he also mentioned the matter to James, who said that Auburn had told him that the detectives had searched his room and found a suit he had worn some time previously. Auburn, he said, told him that the suit had a button off,

and that the detectives had a similar button to the one that had been on the suit. Auburn told him he had lost the button a good time previously, and said that a good many fellows wore jigger buttons, and that he did not think that should

Connect Him With the Murder.

Auburn also told York what had happened, and that the detectives when they looked round his room at Osborne Park, found a coat which he had had for some time, and that one of the detectives had taken a jigger button from his pocket and tried it on the coat. York said that the accused had told him that the button had been off for some two months, and also that the button the detectives had corresponded with his own.

Mr. Lavan: In the depositions he said it had been off for a good few months, and it had been lost for a good time.

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In the O'Neil murder trial yesterday, after our report closed, his Honor, Mr. Justice Draper, continued his summing up. He said:—

Auburn said, "At the inquest I said the button had been off a good few months." He said he did not remember when he lost the button, it was so long ago. Mr. Blackmore deals with the button. I do not know that you are going to get much assistance from him, because he was

Obviously Confusing the Suits
of the accused. Auburn said to him, "They found a button missing, and also produced a button corresponding with the other buttons on the coat." Blackmore said, "I have not seen you wearing that coat for three or four months. I thought it was the old serge coat with the shine down the back he was referring to. I have identified the coat, and it was not the coat I understood George to mean." That was the old suit. Mr. Lavan attaches a good deal of importance to that evidence. It must be obvious to you that there is some mistake about the suit.

Mr. Lavan: I attach this importance to it, in that he referred to a suit with the link button off, a suit Auburn had not worn for some months.

His Honor: The only result of that is that the coat from which the link button is off was not the old suit which the witness, when he gave his evidence, was referring to. He got confused in the suits. I do not suppose anyone had seen the old suit for some time. It had no link button. Auburn says, "There was a suit which had been washed, and which had a link button missing. The button had been missing about five months. Half the shank was left on the coat. I cut it off with a pair of scissors. In doing that I cut it too close, and cut off a bit of the material."

You Will See the Button,
and may possibly come to some conclusion as to whether this is the button or not. Further, he said he told Blackmore "The detectives found a suit which had been washed in my room. I described the suit to him. He said, 'I have not seen you wearing the suit for some time.'" The evidence of the button is important. At any rate it points to this, that the button may have been off practically any time up to five or six months before, and it may have been sewn on again. What you have to decide here is not whether there was a button off the coat at any time during the past five or six months before the crime, but whether at the time in question the link button

Was On or Not.
If the link button was on the coat which Auburn was wearing on the night of the murder, and subsequently the clothes he was wearing on the night of the murder were washed, and this link button was off, and you come to that conclusion, then the identification of the button found in the car with the suit, would be very strong evidence to show the connection of the accused with the murder.

This is Only a Hypothesis.
I am not saying it is true. It, therefore, becomes important to you to satisfy yourselves that the button was on the suit the accused was wearing at the time of the crime, and that it was lost by him in the car. You might perhaps have had some information from someone who could have sworn as to when the button was off. The people most likely to say when the button was off would be those who had seen him frequently. Miss Sadler cannot give a definite date. Those at the hotel might, perhaps, have done so. I only say, perhaps, because both Mr. and Mrs. Auburn have been called, and they have

Not Said a Word About It.
The two domestics were called, a Miss Forrest and a Miss Coombes. True, they were only there for six weeks each. They have not said a word about it. I only mention this to show that apparently no evidence can be called to indicate the exact date when the button was gone. You must draw your own inferences from that.

The fact of the button being off would not strike many people. The only person who really gives us any evidence of it is Miss Sadler, and we have what the accused himself says. Now we come to

The Evidence of the Tailors.
First I will read you what the accused says further on this subject: "The button first came off about three months after I first got the suit. I sewed it on again. They both came off. One was loose; I pulled it off. The next time I sewed it on the same way. The third occasion the jigger button pulled off the end of the link. I cut the link off and cut a bit of serge off. The outside button then got loose and came off. I put two or three threads through it. I cannot say where the jigger button is. I think it came off when I was working on a car somewhere. The

Jigger Button
was rather tight; when I bent down it would pull off. It might have come off some other way. This is the most probable. My usual habit is to wear my coat buttoned up. It is four or five months since I finally lost the jigger button. I worked on cars after losing the jigger button, and wore the suit out. When working on cars after I lost the jigger button I fastened the outside button to make it tighter. The outside button is not pulled off. I never sewed the jigger button anywhere except behind the fixed button. After looking at exhibit N (the washed suit) I will not deny that I may have sewn the jigger button elsewhere than behind the fixed button. I have sewn on buttons at least on two occasions, and perhaps more."

Now, we come to deal with four witnesses who were called as experts in this connection. No doubt a tailor can give an expert opinion as to what a cloth is like, and the origin of cloth, and the texture of cloth which a layman could not give. But I think that

As to Questions of Eyesight
and of what a person has seen, a tailor is no better than you yourselves are when you are examining the cloth. It would perhaps be safer to take the evidence of these tailors, except perhaps on texture of cloth and things of that kind, with reference to what they actually saw or actually did, and not with reference to what their opinions were. I don't know that it is necessary to say any more about their opinions.

His Honor read the evidence of Mr. Berry, master tailor, which included the following: "The sewing on the shank of the button is the work of an amateur. The piece of wool at the end of the shank is, in my opinion, of the same material as the coat. When I originally examined the button, the material at the end of the shank fitted the hole in the coat very nicely."

His Honor proceeded: Mr. Berry is speaking of the time when he first saw the button; but when you bear in mind that the button has been handled and examined by various witnesses at different times, and also treated by the Government Bacteriologist, you will recognise that it

Would be Strange Indeed
if the shank and the material were not in some way altered. When considering this you have to consider all those facts. Mr. Berry says that when he first saw the material at the end of the shank it fitted the hole in the coat nicely. I don't know whether you would expect it to fit exactly. When a button is torn out of a coat, it may or may not fit the hole in the material. Unless you see it torn out, you cannot swear definitely. You can only come to a conclusion after considering all the processes through which the button has been.

Mr. Berry went on to say: "I examined it with a magnifying glass. Where the hole is, a tailor would not have sewn it on. It was sewn on to the cloth only, and not through on to the canvas. There have been at least three sewings-on. The corresponding jigger button has been

Sewn On by an Amateur.
There are signs of where the cloth has been cut. In my opinion the shank has been pulled out, because the wool on the end of

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the shank fits so closely into the hole, and because the wool on the end of the shank is the same as the cloth in the coat. The hole in the coat also looks as if the shank had been pulled out. The button is a common type of button on a dark suit. The shank button, and the button on the outside, are two different buttons. The sewing of the outside button and the sewing of the shank button are quite different. The outside button seems sewn by an amateur. The threads through the shank button were first sewn on by a tailor." He says that the cloth in the coat is quite ordinary everyday serge, and that the wool in the

Shank of the Button

would match any other ordinary everyday serge of the same color, that you very seldom get two serges of exactly the same color, notwithstanding which the shades of blue in blue serge are not difficult for a tailor to distinguish. He says that in his opinion the wool in the shank still fits. On such a point you must

Disregard His Opinion,

and form your own opinion. Then he points out that if you wash the serge in water it would have some effect on the size of the hole, and also the jigger buttons are very common, and do not last very long. Then he says that the outside button is an odd button, and he goes on to say that the serge in the shank button and the serge of the suit agree in shade. Ctereteko gave similar evidence. He examined the jigger button and the coat, and found the button a little frayed since first he saw it. He says there is a small piece of serge adhering to the end of the shank. That he compared the shank button with the hole in the coat through a magnifying glass, and that it appeared to him the button had been pulled out of the coat. He says he fitted it in the hole, and that

It Fitted Exactly.

The wool in the shank, he says, is the same as the material in the coat. He says there are thousands of pieces of serge of exactly the same blue. He found that the outside button was not sewn on by a tailor, but that the jigger button was sewn on correctly. The face was poorly sewn on, and the neck of the button was a very poor job. He said it was of no use trying to fit it now, that some of the strands had worked down over the cloth. Washing, he said, would unravel the serge. He added that there were many shades of serge approximating the one shade, and that sometimes it was impossible to tell the difference. He told us the button was in common use.

Mr. Lavan: What he did say was, "Is there a man on the face of the earth who could swear to that little piece of material?"

His Honor: I told you before, Mr. Lavan, that a tailor is not an expert on evidence. It is of no use saying that they could not swear it, because they have sworn it. It is

For the Jury to Say

whether they believe the evidence.

Mr. Parker: There was some mention about a "tail" on it.

His Honor: I have no note of that. The next witness on this point was Ewan. He said he had examined the coat and the button, and compared the material on the shank with the coat. He could not say whether the material on the shank came from the coat. He compared it with several different pieces of serge, and found it might have come from any one of them. He says the outside button was sewn on very amateurishly, and that the inside button was sewn as a tailor would sew it. Indigo serges, he says, when placed together, are very different, that both buttons are common in the trade, and that jigger buttons are very fashionable. He would not swear that the garments produced—that is the washed suit and the bundle of serge—were the same. He could not say whether the jigger button and the outside button belonged to the suit; the difference was very slight. Woollands, another expert, could not say whether the material in the

button came from the material in the coat. So you have two witnesses on the one side saying the button does come from the coat, and two others who declare they cannot say. I do not know what assistance you are to get from them. It is for you to use your own eyesight and judgment, and

Pay No Attention

to those expert tailors, except when they are giving their opinion on such things as the texture of cloth. This question of whether the button came from the coat, is, of course, of the greatest importance in the case.

The next matter of importance to consider is the

Washing of the Clothes.

You will recollect, of course, that the police found a washed suit, which has been produced in court, in the bedroom of the accused. Marie Coombes gave evidence regarding certain garments being washed. She told us that she was at the Osborne Park Hotel for about six weeks and left a week after Easter, about April 25. She was there, roughly speaking, three weeks before and three weeks after April 4. That is of importance when considering her evidence. She said: "I used to clean out the room of the accused shortly after 9 o'clock. I heard of the Crawley affair. I saw clothes hanging on the back of a chair. I only saw them once. The accused slept in the room, but went away once early in April

After the Crawley Affair.

He was only away one night. One morning I went to get a jug of water out of the bathroom, and saw that he had been washing. It was on a Monday or a Tuesday." Mr. Lavan has claimed that it was on Tuesday, because on that day the accused went in to see Blackmore.

Mr. Lavan: No, on Monday morning early.

His Honor: On Monday the accused went in to see Blackmore early, and Blackmore fixed the visit at about 10.30, but later said that it was nearer 10 than half-past.

Mr. Lavan: In the lower Court I pointed out that he had said it was half-past 9.

His Honor: Miss Coombes said that it was either on the Monday or the Tuesday. She said there were some dark clothes lying in some clean water in the bath. She

said: "He told me not to bother about the bathroom, as he had some washing to do; he said he had been away to the South-West and got his clothes splashed with mud." Later on she said that he asked her for a cloth to mop up. Then in cross-examination she said: "I never saw him washing clothes." She also told us that she was only in the room in the mornings and afternoons, and that at other times her duties kept her downstairs. Further on, she said: "He often asked me to bring the electric iron upstairs to him because

He Had to Do Some Ironing.

I got it for him on several occasions. I never saw him hang his washing on the line." Later on she said: "When I was in the bathroom I saw some dark material. Auburn was upstairs at the time. I saw him come out of the bathroom." Sgt. Doyle had also told them that late on the night when they inspected the hotel they went upstairs with the accused, and on the back of a chair covered by other clothing he had found the washed suit. He told the Court that it looked as though it had been recently washed but not pressed. Doyle stated: "I said to the accused, 'When did you wash this?' He said 'About two weeks ago.' I asked him why. He said he thought the suit got dirty working on the motor car. I asked him how he washed them and he said, 'First with petrol and then with cold water.'" Miss Forrest was also called. She was at the hotel for about six weeks in January and February. She speaks of his

Washing in the Bathroom.

and said that he had washed a soiled coat and pants about three weeks from January 5. She did not give the exact date.

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She said she never saw any blood in his room or splashed on the floor, or anything of that kind. You have heard the suggestion by the Crown that the suit that had been washed, and of which the police had taken possession, was washed after April 4 and was washed in order to get rid of blood stains which would be the natural result of a murder. The evidence is that Marie Coombes on Monday or Tuesday after the Wagin trip saw some dark material or clothes being washed in the bathroom, and that is as far as she can go. The explanation given by the accused was that when he washed one suit about a fortnight before April 4, he had done so because it got dirty in connection with a motor car. He washed another suit earlier in the year, in January or February, because that had bloodstains which he says got there from blood from his arm when he was carrying a cylinder. In judging whether these clothes were washed on Monday or Tuesday after April 4,

It Becomes Important

to consider what Miss Coombes says was the reason given for the washing being done by the accused. She says the accused told her he had been away to the South-West, and got his clothes splashed with mud. The accused denies that. He says he said nothing of the kind. You saw Miss Coombes in the box. You saw how she gave her evidence. Did she strike you as one who has invented it? Why should she invent a statement that the clothes had got splashed with mud on a trip to the South-West? Why should her imagination run in that direction? The accused denies it, but if you believe her, it has a very strong bearing on the case, as to the

Identity of the Clothes

that were washed. Assuming that he had said it, was there any mud? Miss Sadler says it was not wet going down to Wagin on the Saturday, and she did not get splashed with mud. It is quite true she was well protected, sitting behind the driver's screen. She also says there was no mud either on the way to, or returning from Wagin. She is referring to mud generally, and not to being splashed. Another witness says it was starting to rain about 3.30 on Saturday, and that at one creek coming back there was about three yards of water to go through. The accused says he did not make the statement attributed to him by Marie Coombes. If he made that statement, and he gave

A False Excuse

you must draw your own conclusions as to what the clothes were that had recently been washed. Now we come to the blood. I do not want to go all through Dr. Atkinson's evidence. This has been done at considerable length by counsel, and you have heard about the various tests. Dr. Atkinson says he cannot swear there is blood on the coat and trousers. That is in accordance with the infallible tests for the presence of human blood, or blood. He cannot swear there is blood, but he says that in his opinion there is blood on the clothes. What his opinion on that subject is worth is for you to say. He does, however, swear that there is not only blood,

But Human Blood

on the cuff of the overcoat, and also on the hat. The question is how did the blood get on the hat? That is the hat the accused was wearing, and there is human blood on it. You have seen the hat; and you have seen the car. I am referring to the blood above the seats of the car. I gather from what has been said there are many small spots of blood on the hood like the small spots on the hat, spots that might have been caused not by a drop of blood, but practically by almost a spray of blood. Two doctors were called for the defence. You have heard their evidence, and I do not propose to go through it. They admitted that

If Small Arteries Were Cut

the spots would not be such as would come from a big artery. A very tiny artery of blood would spurt, and that might cause

them. If you accept that explanation, then you have to consider the serious question of comparing the spots of human blood on the hat with what you have seen on the hood of the motor car. There is no doubt there is human blood there. The question is

How Did the Blood Get There?

What explanation is put forward by the accused? The accused has a bad arm. There is abundant evidence in this Court from several witnesses that when the arm is knocked, on several occasions the blood has trickled down it as far as the palm of the hand. You have the evidence of Mr. and Mrs. Auburn. I think of Eddy, and one or two others on the point. It was suggested that the blood would trickle down to the hand in the way described. It was suggested by the Crown that the blood would not run down. You have, however, heard the various witnesses, and there is no reason to think otherwise. According to Miss Forrest, there was no trace of blood in the bedroom of the accused. His explanation is that he would throw his hat down in the bedroom—perhaps upside down, or sideways, or any way, or elsewhere—and that when his arm got hurt and used to bleed, thus causing him a good deal of pain, he would swing his arm over his shoulder, or flick it, or make some other movement with it. He

Accounts for the Blood

being on his hat by putting forward the view that when he was swinging his arm as it bled, or when he was flicking his arm, the blood got on to the hat in that way. This is not a question of

Expert Evidence

you will have to decide it for yourselves. You will have to consider whether the movements which have been indicated by the accused sprinkled the blood on the hat in the same manner as small spots and specks of blood were sprinkled on the hood of the car by the cutting of very small arteries. It may be that the blood from the arm instead of being sprinkled in small specks like that, would go in

Larger Spots

and fewer spots. However, it is entirely for you to say. If the blood were in any way congealed it could not spray; and as you know, blood congeals very quickly.

Now I come to another incident, the incident of the

Mysterious Parcel

You may attach importance to it, or you may not; the matter is for you to consider. Miss Sadler says, "On Friday night (April 4), I saw a parcel under his (accused's)

hat. It was about 2ft. long. He had a lot of paper round it. It was about as thick as a ruler when the ruler was put in. It was tied in two places. I picked it up. I thought it was a lump of iron, from the weight. It might have been wood. I asked accused what he had it for, and he said, "To knock you on the head with." That was said jocularly, of course. Miss Sadler did not see the accused when he left, but he says he did not take any parcel away with him, and Mr. Moir says he did not see accused take any parcel away. Accused may have had the parcel about his clothes; but if you have a parcel 2ft. long, or even 18in. long, which consists of a lump of iron, or is as weighty as iron, I think that if you put a parcel in your pocket there will be some indication, if only by the dragging of your coat, to show that something is being taken away; and Mr. Moir saw nothing. Mr. Moir says that he sometimes takes home fittings and pieces of pipe, but there is

No Evidence

to identify them with this parcel which Miss Sadler says she saw under the hat. The parcel has disappeared, and the only time you have any suggestion as to its continued existence is at some days after April 4; I am not sure it was not a week after.

Mr. Lavan: More than a week.

His Honor: Say ten days after, when

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Miss Coombes, in sweeping accused's room with a broom, struck something heavy under the bed, something that rolled over; but it does seem unlikely that if this parcel was used to commit the crime, the accused would

Leave It There

for a week or ten days. There is nothing really to connect this parcel with the crime. All you have heard of is the existence of the parcel brought by the accused on the evening of April 4, when he saw Miss Sadler. After that, it has apparently ceased to exist. It

Would be Very Unwise

I think, to draw any inference against the accused from that matter. I have pointed out the extraordinary coincidence of the one man finding not only the coat, but also the spot where the murder apparently was committed.

After considering that coincidence, you will have to decide, how did accused find the spot, and is the account which he gave the police about finding the spot on the Monday afternoon while he was riding Johnson's bicycle correct or not? Or is it correct that he told Blackmore, as Blackmore swears, that he found the spot when riding in Singe's car? We know from Singe's evidence that Singe's car

Did Not Go

to that spot. The explanation put forward of his finding the spot is that he was riding Johnson's bicycle, and it will be necessary to refer to the evidence of this, as it is undoubtedly very important in the case. Johnson was called—the last witness on June 17, and his examination had not concluded when the Court rose. He said he was 15 years old, and lived at Osborne Park. He had known the accused for about 18 months. His evidence continues, "I have the use of a motor bicycle belonging to my uncle, a Quadrant. I have conversed with the accused about the bike. I gave it to him to repair on several occasions. The last occasion was between April 8 and 10." According to accused's statement it was on April 7, that he found the spot in Westana-road. Johnson may or

May Not be Correct

in the date. One can hardly expect the memory of a boy of that age to be exact. I told them I wanted him to fix it up. I took the bicycle to the hotel, but Auburn was not there, so I took it along to Eddy's shop and left it in his shop. I spoke to Auburn the Monday before, or the Monday week before, three or four days anyway, I am not sure. I next saw Auburn on Sunday, April 13. He came to see me and came on a push bike. He said to me, "What have you done to the bike?" I told him the oil had got into the engine, and that I had left the bike at Eddy's. He said he did not know anything about it." Now, if that is true, if on April 13 he told the boy he did not know anything about the bicycle when the boy told him he had left it at Eddy's, it is difficult to believe that the accused had

Got the Bicycle At All

at that time, that is, up to April 13. If Auburn on the 13th told Johnston he did not know anything about the bicycle at that time, it is difficult to understand how on the 7th he was riding that bicycle down the Westana-road. It is for you to say whether or not you believed Johnston when he made that statement. Then Johnston goes on: "He said he did not know anything about it, but would go and do it up. The bike was at my house from April 1, and a long time before that, months before, until I took it to Eddy's. Nobody used it when it was at my place." He went out of the witness box that night, and next morning you may or may not have noticed a difference in his manner. He was still under examination in chief, and this is what he said: "I left the bicycle at Eddy's shop between the 8th and 10th. Prior to the 8th or 10th the bicycle had not been used for nine months. I took it to Eddy's in a cart. I got the bike back on the Wednesday after George was arrested. I took the belt off and pushed it back. I got it from alongside the picket fence.

Eddy came along and took out the sparking plug. Auburn has been to my place only once, on the 13th. I live from one and a half to two miles from the hotel. I mostly left the bicycle for repairs at the hotel, sometimes at Eddy's. I used to go to Osborne Park nearly every day. The bicycle was down there between the 8th and 10th. I do not know how long it had been there. It may have been taken down before several days. I am not sure of my dates. I have not got an excellent memory." I warn you at this stage that in dealing with evidence of that kind, you could hardly expect him to be certain as to his dates. Continuing, he said in his statement that it was on this occasion that he took it as far as Auburn's. He said that Auburn's father had spoken to him, and in consequence he took the bicycle to Eddy's shop. He left it there, and on the 16th George spoke to him. It was about the second Sunday after he had brought it. He said that he told Auburn that he had

Left the Oil Taps Turned On,

and that it ran into the engine, and he had drained it off from the bottom, and taken the car for repairs. This conversation, he said, was all that had taken place. That was his evidence, and it was quite possible he did take the bicycle down between the 8th and 10th, which were the dates he fixed in his examination in chief. It is for you to decide whether the accused used Johnston's bicycle on this day as stated. Auburn said in referring to the bicycle that he knew Charlie Johnston, who had a motor bicycle. It had been many times at his place, and it had been there on Friday, April 4. He saw Johnston in the back yard and they spoke, subsequently to which Johnston took the bicycle in the direction of Eddy's store. He said that on the Monday after the Wagin trip he saw George working on the motor bicycle outside the kitchen door before lunch, and that he saw him on the bicycle between 2 and 3 in the afternoon, going towards Perth. Mrs. Auburn also refers to it and mentioned the bicycle being repaired outside the kitchen. She also said she saw the accused riding the bicycle on a subsequent date. Auburn, sen., referred to the 4th, but I do not know how he fixed the date. It is not clear.

Mr. Lavan: He said it was the day before George went away.

His Honor: He fixed the date that way. It is for you to decide on the evidence tendered whether the accused did have Johnston's bicycle ready and able to be ridden

on April 7, and was able to make the visit to Westana-road. So far I have to put before you the case as far as I can in sequence as regards facts. Besides the probabilities and

The Extraordinary Coincidences

which seem to exist in this case—I am now referring to the conflict of testimony—an independent defence is set up by counsel for the accused to show that on the night of April 4 it was impossible for the accused to have committed the crime, because during the time it would have been possible for the murder to have been committed Auburn was in another place. We know that O'Neil left his home about 7.20, apparently upon a long trip to the country. His car was next seen near the Subiaco gates of the Park at about 10.15, and a car, whether O'Neil's or not, was heard close to Vincent-street at about 11.15. Whether that car was O'Neil's or not it is very hard to say, because that cannot be determined definitely by anyone who saw it at that time. No one identified it then. A car was there at about 12 o'clock, and a car was there next morning, because we have heard the evidence given by Collins that it was in the same position.

Mr. Lavan: He does not say it was the same car.

His Honor: A car was in the same place. That car is seen and identified by number by Chinery at about 4.30 a.m. If the car was there that night, then

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Would Not be Inconsistent
with the accused having committed the murder, assuming that he did not afterwards account for his time on that evening. There is a difficulty there as regards the movement of the car, and it will be for you to decide whether the car was seen moving at all about 4 a.m. by the milkman, and that car was undoubtedly the car that Chinnery saw in the morning. Assume that the car got there at 11.30 p.m., and that another car was seen moving at the spot about 4 o'clock in the morning.

Mr. Lavan: O'Neil's car.
His Honor: Yes. It was apparently seen coming down the hill in the early hours of the morning. It may have been someone who was connected with the car, and who had gone back to it after 11.30 p.m., and tried to get it away. The car might happen to have been moving for that reason. It may be that it would go down hill and would not go up. If that is so, there is

No Evidence to Connect the Accused
with it. There is nothing to show that the accused was the person who was with the car in the early morning. So far as the evidence goes he went back home, reaching there about midnight. His mother heard him come in, and she saw him in bed at 6 o'clock in the morning.

Mr. Parker: At 7 o'clock in the morning.

His Honor: It does not make much difference. His own statement is that he did not come out again. He was seen on the verandah reading the newspaper at 8 o'clock. If it was O'Neil's car coming back and coming for the first time to Vincent-street at 4 o'clock in the morning there does not seem to be anything at all to connect the accused directly with the car. You are then thrown back to considering the extraordinary coincidence. There is another aspect of the matter. Auburn's account of the evening is that he left Miss Sadler's at half-past 7, and went to the pictures by himself. He says when he got there he saw

A Little Bit at the End
of one of the pictures. It was a continuous picture show. I think he said he was there about ten minutes before the end of one of the pictures. He then stayed there until he had got back to the same place in the picture, so that he saw it all. He did not wait after that. He probably left the pictures about ten minutes before the ordinary closing time. If that is so, he got out about five minutes past 10 or quarter-past 10. You cannot put it later than quarter-past 10. It is very difficult to fix the time. Miss Johnson tells you it is about a seven minutes' walk from there to Newcastle-street. Therefore, about seven minutes after he got out of the pictures, a little after 10, he got to the shop.

The Extraordinary Part Of It
is this: It is an incident which, when he was giving his movements to the police, he never said a word about; and he never said a word about it to others until his attention was drawn to it—Mr. Crisp, for instance.

Mr. Lavan: He never said a word about Moirs, either, in any of the statements.

His Honor: No; he said nothing about Moirs or about going to Miss Sadler that night. Well, he might have done that because before half-past seven is not the material time to account for, perhaps. Mrs. Luyer was called, and said she had known the accused from March 5 last. She and Miss Johnson took over the business then, and accused was a customer who used to come in every night, and get two hot pies and a bottle of limejuice. She says she used to put the pies on to heat at 11 o'clock. He came in any time after 11. On the night of April 4 he came in much earlier than usual—about 10 minutes past 10 by the clock. She believed the clock was ten minutes fast, which would make it about 10 o'clock. He got two cold pies and a bottle of limejuice and soda. The

pies were not ready for him. She said to him, "You are early to-night, George." He paid for them. He only got cold pies on one other occasion. On all other occasions he got hot pies. The other occasion when he got cold pies is not mentioned in her evidence.

Mr. Lavan: She had forgotten the other occasion, Sir.

His Honor: Then he went straight away, so he was only there for two or three minutes. Mrs. Luyer says: "He nearly always came alone." She goes on to say that she realised the importance of this evidence: "As soon as Mr. Auburn was arrested. I saw this in the paper on the evening of April 16. I knew it would establish an alibi. I thought at the time he

Could Not Have Been the Murderer.
I knew it was April 4 he came in, because Miss Johnson was out visiting, and she had just come into the shop about five minutes before. I did not look at the clock." That presumably refers to the time of Miss Johnson's return. "On the Saturday night she was on duty, and she told me Mr. Auburn did not come in. I have always remembered the date he came in." She went on to say she had given her first statement in writing to Mr. Lavan on May 13. She said she thought her evidence would

Establish the Accused's Innocence,
that they had intended to keep it to themselves, and only if need be to come forward later, as they did. She said people were always saving why did she not go and tell Mr. Lavan what she knew. It was not until after the inquest that she went to Mr. Lavan's office. She then goes on to say she always wrapped the bottle in paper, and that he paid 1s 1d. She had seen Mr. Lavan's advertisement in the newspaper, and it might be one or two days afterwards when she went in. She said that Miss Johnson went out every second night, but she, the witness, did not know where she went. She had gone over the evidence either in "The Daily News" or in the "West Australian." Auburn, she said, usually caught the last tram, sometimes a tram a little earlier. On the night in question he was wearing a waistcoat, but did not unbutton his coat which was buttoned. According to the witness he could reasonably expect to find a friend in the shop at about 11 p.m. She knew him very well, and he had asked her to call him by his Christian name. She said she would readily let him have the pies without payment, and would have loaned him his fare. She had, she said, on one or two occasions

Let Him Have His Order,
and he had paid on the next day.
Mr. Lavan: I think she said he had an overcoat that night.

His Honor: There is no suggestion that he was wearing an overcoat. However, I did not make a note of that. I am afraid I shall not be able to finish to-night, so I will adjourn until 9.45 to-morrow morning.

TO-DAY'S PROCEEDINGS.

Before continuing his summing up to-day. His Honor said to Mr. Lavan: There are one or two things I want to clear up, but they are not of very much consequence. When you interrupted me yesterday about the suits, I cannot help thinking there was some misunderstanding. What was your objection? I did not note it at the time, because I was addressing the jury.

Mr. Lavan: It had to do with the evidence as to the two washings. When it came to the question of the button, I pointed out that Miss Sadler stated that the other blue suit had the link button missing at some indefinite period, and that Blackmore also said, "Why, that suit with the link button missing, I have not seen him wearing for some time."

His Honor: That is not the point. It was about two suits, and one being clean-

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ed before the inquest, and again before this trial.

Mr. Lavan: It was as to whether they were cleaned or pressed up in order to make them look more presentable.

Mr. Parker: The evidence is that the suits were cleaned and pressed.

Mr. Lavan: I was not quite clear myself. I will not say anything that is inaccurate.

His Honor: Unfortunately, I have missed that point in my index and cannot find it. It does not, however, matter much, because the jury have heard the evidence.

(Summing up resumed.)

Continuing his summing up to the jury, his Honor said: When the Court adjourned yesterday afternoon we were dealing with the evidence of Mrs. Luyer. This is, of course, important on the question as to whether on the evening of April 4 the accused was in the shop about 10 o'clock, for that would practically have prevented him—

It Is For You To Say—

from having had anything to do with the murder. If he was there at 10 o'clock on that evening he could not possibly have been in the motor car. The important portion of the evidence is whether this occurred on that date, the 4th, or not. Mrs. Luyer fixed the date because she says Miss Johnson came in shortly before Auburn did.

Mr. Lavan: There were other circumstances.

His Honor: Yes, but the jury heard the evidence. This, however, was the principal. I do not propose to go through all the circumstances. There were also two other witnesses, two policemen, called. Their evidence is not very long. One of them, Duperezuel, says he was at the shop on May 22 in plain clothes, and that Mrs. Luyer spoke to him. He says "She asked me

What I Thought About the Murder."

She said he—no doubt referring to the accused—was in the shop on the night of April 4. He came in about 10, an hour earlier than usual, for some hot pies. They were not ready for him and he took them cold. She said Miss Johnson was out visiting on that night, and came in after Auburn had gone. She said Miss Johnson asked her after she (Miss Johnson) came in, whether Auburn had been in on that night. She said she replied, "Yes, he came in an hour earlier." She said that when asked to remember the conversation a month later during the trial, Constable Williams also gave evidence, saying he knew Mrs. Luyer and Miss Johnson, and was in the shop on April 22 or 23 about 10.30 p.m. in plain clothes. He went with Miss Johnson to Constable Bannon's; he was escorting her there. Coming back he had a conversation with Miss Johnson about the murder, and she said that Mrs. Luyer saw Auburn on the night of the murder, that he came into the shop earlier than usual, and that she gave him two pies. This particular night he would not wait for his pies to be warmed, but said he would take them cold. The constable goes on to say that he was at the shop a day or two later, about 11 o'clock, when both Mrs. Luyer and Miss Johnson were there. He asked Mrs. Luyer: "Did you say you saw Auburn on the night of the murder?" She said, "Yes, I remember quite well; Miss Johnson was out at the time, and she came in later, and after she came back she asked me, 'Hasn't George

Been In Yet?'"

Mrs. Luyer replied "He came in earlier than usual and would not wait for his pies to be warmed." Miss Johnson made no remark. The constable further went on to say that he knew Miss Johnson said she had been told not to trust him. He also stated that he had no doubt whatever about the conversation.

Mr. Lavan: I would point out that two months elapsed before the constable gave his evidence.

His Honor: That is so. You have there a conversation detailed by those two con-

stables, which contradicts Mrs. Luyer on a Most Material Point.

Of course, there are other circumstances about the calling for the two cold pies, but it must be obvious that if the constables are correct in what they say, Mrs. Luyer is quite wrong. She says that she remembered it and that Miss Johnson came in shortly before Auburn left. The constables say she said Miss Johnson came in afterwards.

Now I come to Miss Johnson's evidence. She carries on the shop with Mrs. Luyer; she had known Auburn since March 5. He always came in between 11 and 11.30 every night. He had a standing order for two pies and a bottle of limejuice and soda. Two pies were put on to heat for him about 11 p.m. On the Friday he came in very early, "just after I (Miss Johnson) walked into the shop." He got the same order, the pies cold. Mrs. Luyer said, "You are early to-night, George," as she saw him coming into the room. She looked at the clock; it was ten minutes past ten here. Our clock is a few minutes fast. I remained in the shop until Mrs. Luyer got the parcel ready. Auburn then left. It was April 4. Auburn did not come in the next night. I remarked on this to Mrs. Luyer on the Sunday morning.

He Had No Overcoat,

and was in a navy blue suit. I heard of the murder on Saturday about 2 p.m. I first gave a statement to Mr. Lavan on May 15. Mrs. Luyer saw Mr. Lavan first. I saw him two days afterwards." The witness was not quite definite as to that, but it was very soon afterwards. Then she stated that she had read Mrs. Luyer's evidence in the paper "this morning." In cross-examination she said: "After George was arrested I realised the importance of this evidence." He was arrested on April 15. "I saw the paper produced of April 15. I recognised the importance more so after the inquest. I knew the evidence would establish an alibi. My evidence would prove he was in our shop about 10 o'clock in the evening. When the first announcement of the murder came out, I thought it was late at night. I did not communicate with the authorities because I did not like to be drawn in. I did not know until after the inquest that he had not stated himself that he was in our shop, that evening. I always knew the day of the arrest. It takes about three minutes to make a pie hot. He has never been in since April 4. I did not see any change. It is about seven minutes' walk from the Grand pictures to our shop."

Miss Johnson also, it is alleged by the Crown,

Made Contradictory Statements

to Mr. Roberts and Mr. Murphy. Mr. Roberts says he is a stereotyper on the "West Australian" newspaper, and that he lives close by. He returned from the East on April 16, from a holiday trip. "It was a Wednesday. I go into the shop at the corner of Beaufort and Newcastle streets." There are two ladies there." He says he saw those two ladies in the box giving their evidence. He states that about 2 o'clock he went into the shop. Miss Johnson was there, and said to him, "What do you think of the murder?" Mr. Roberts replied "I only know what I have read in the newspapers in the East." Mr. Roberts' evidence continues: "I saw her the next day at the shop about 5.20 p.m. She had 'The Daily News' in her hand. I said, 'I see there has been an arrest in the murder case.' She said 'Yes; if it is the young fellow I think it is, he came to the shop every night but this. It is a funny thing that it is the only night he missed coming into the shop for months.' I left the shop and went home." Later on he saw her and said to her, "I thought you told me Auburn was not in the shop on the night of the murder?" She said, "No, it could not have been me, it must have been my sister." The witness added that the only person he saw in the shop was Miss Johnson, and that he had never spoken to the other lady. He repeated to her, "I thought you gave me to

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understand that the night of April 4 was the first night Auburn missed coming to the shop?" The witness said that though at an earlier period there had been some doubt about the conversation, he then had

No Doubt Whatever.

adding that he went into the shop pretty often. He was confident that Miss Johnson said "the night of April 4 was the only night that Auburn had not been in," and he was equally confident he had never had a conversation with Mrs. Luyer concerning the murder. He was sure he could not have mistaken the two women. The reference to Mrs. Luyer as being sister to Miss Johnson may strike you as somewhat strange, for, of course, they are not sisters; but there seems to have been some impression in the neighborhood that they were sisters, because Murphy also thought they were sisters. Murphy, when in the box, said he had been going frequently to the shop for about four years. He said he was in the shop the day after April 17, having gone in to use the 'phone at about 7.30 in the evening. Both women were there, one reading "The Daily News," the other leaning over the counter. The one behind the counter, the tall one, said, "Is not this a terrible thing about young Auburn." On Murphy asking did she know him, she replied, "Yes," whereupon Murphy asked what he was like. She said, "He is a well-behaved, gentlemanly, clean looking young fellow.

Very Well Mannered.

and nicely spoken. He used to see his young lady, and then come in here and have a chat. He meets a lot of young boys here about the same age as himself." Murphy asked how long it was since she had last seen him, and she said, "Not for a long time." I do not know what she meant by a long time; it is entirely for you to say. This conversation is denied by both ladies. In cross-examination, Murphy said it had passed out of his mind until he read Mr. Lavan's address. Murphy was emphatic in saying that one of the ladies declared that Auburn had not been in for a long time, and that the other lady could not have avoided hearing what was said. It is for you to say what credit you will give to those conversations. You have seen the witnesses in the box, and you have to ask yourselves whether the evidence given by them was satisfactory. If you believe the two ladies, that Auburn was in the shop that night at about 10 o'clock—it is entirely for you to say—I think you must come to the conclusion that if he were there at 10 o'clock he could not have had anything to do with the car at that time. You may think he may have been in the car before that time, but if you do that, you have to consider the other explanation which has been given, and decide what credit to attach to it. A curious thing happened in connection with this. The chemist's assistant at Trouchet's says that on April 13 Auburn came into Trouchet's shop at about a quarter past 7 in the evening, and asked the witness for a reference in regard to his character. This is what the witness says, "I asked what he wanted it for. He asked had I ever

Seen Him Drunk.

I said no, and again asked, what he wanted it for. He said, 'To tell you the truth, I am suspected in the murder case.' I said, George, you must know where you were on the Friday night. He said, 'That is the worst part of it. I was at the Grand Theatre on my own.' I said, 'Surely someone must have seen you there.' He said he didn't think so. I said, 'Perhaps there was some incident you can call to memory during the night in the theatre. Advertise for the person and clear yourself.' I asked him if there was anybody in the tram when he went home, but he said he did not think so. I said 'The Osborne Park man must know you.' He said he did not think so." Then later, under cross-examination, the witness said, "Auburn said he did not really take that much notice of the people at the picture show whom he knew, or whether he knew them, or on the tram. When Auburn said

he could not remember, he may have been referring to the people in the theatre. I am positive he said he did not think the Osborne Park conductor would know him." With all this detail of evidence, it must be clear to you that Auburn was aware of the necessity for calling to mind the people whom he met that evening, and of recalling instances which would prove where he was that night. Yet, notwithstanding that we did not have a syllable mentioned to us about the visit to the shop at the corner of Newcastle and Beaufort streets before the proceedings in this Court. The point was not mentioned at the inquest, but he was not bound to disclose the incident, even if the information had been available. It is

Customary for Accused Persons

to reserve their defence, but the fact remains that apparently nothing occurred to the accused regarding the necessity for saying something about his visit to the shop. I come now to another incident. On the night of April 4 the accused has told us that he came into town by tram. He paid his tram fare; he paid for pies, and he also paid 1s 1d for his seat at the picture theatre. He said that after he had been to the pie shop he walked down the street to catch a tramcar at Trouchet's corner. His object in

Catching the Car

at that corner was, he suggested, so that he would be able to get a seat. Why he should be better able to get a seat at that corner rather than at the Newcastle-street corner it is for you to say. If he had desired to get a seat I should say the best place to go to would be the point from where the car started. That is a matter for you to judge. Auburn further told us that when he was on the railway bridge he discovered that he had only 3d in his pocket, although he thought he had 23s when he left home. He thought he had put a 10s note in the pocket of his waistcoat on one side and the cash in the waistcoat pocket on the other side. As has been pointed out, during the course of the night Auburn must have put his hand into his waistcoat pocket on several occasions, but he tells us it was only when he got on the railway bridge that he realised he had 3d only left in his pocket. When he returned home he told us he found the money in his room. It is for you to say whether you believe that statement. Then we have the evidence of the witness Cecil White. You know the story told to the police by Auburn to the effect that he went to the Leederville Hotel to catch a car because he had only 3d left. He tells us that he walked to the Leederville Hotel corner, and that he boarded a car there, the number of which might have been 15 or 16. He told us he saw Cecil White when he was getting off the car. We were also told that Cecil White was on the back platform.

Mr. Lavan: No. Cecil White was inside the car.

His Honor: Yes, that is right, White was inside the car. Auburn said in his evidence that he was on the back platform, and when White was getting off he lent him 2s. Then he went on to say that he got off at Anzac-road, at the hotel opposite where Golding's refreshment shop is. Cecil White therefore becomes

An Important Witness.

It is not denied that Auburn paid something for refreshments when he got to Golding's shop, and he must have got money from some person during the journey out. Had he not done so he could not possibly have paid for the refreshment at Golding's shop, if his statement were correct. Cecil White says that the car, prior to the one catching the Osborne Park car at Mt. Hawthorn, will get to Melrose-street at 11.35 p.m., but White told us he was not on that car. Auburn does not say he was on the 11.35 car, but on the 11.45. White says that he thinks he was home in Melrose-street at 11 o'clock on that Friday night, but could not swear to

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it. He told us that one night he stayed to the end of the East Perth picture show, and Mr. M'Crae, a film manager, who had dealings with the East Perth pictures, said that the show would come at about 10.45 p.m. White sat to the end of the picture show, and then he saw a young lady home to Edward-street, which was about five minutes' walk distant. He says he talked to her about ten minutes at the gate. He did not have a watch, but he then walked to catch a tram at Newcastle-street, where he had to wait several minutes before a car came along. We have not been told the distance from Edward-street to Newcastle-street.

Mr. Lavan: I think he told us that it was about five minutes' walk from Edward-street to Newcastle-street.

His Honor: The jury can see a plan of the streets for themselves and judge the distance. We were told the trams run along every six minutes, and White says it was a No. 15 tram that he caught. Then he says it took him half an hour to get home, so that if he left the pictures at 10.45 he would reach home at 11.15, which was

Before Auburn Was On the Tram.

I must warn you, however, that whenever witnesses give estimates of times, if you are to tie them down to minutes, it becomes somewhat dangerous. You must take the evidence as it is presented to you. First of all, White said he got home about 11 o'clock; he then said it took him about half an hour to get home; and that he might have got there at a quarter past 11. It is, however, for you to say. Then he made a statement to the police in which he says he is a biscuit maker, and resides at 5 Melrose-street, Leederville. He remembers April 4. He was at the East Perth pictures with his girl, and got home at 11 o'clock. He says "I did not see Auburn that night at any time." He said he knew Auburn, and that they used to live at the Park and go home together. He said he shifted to Leederville about March 11, but that date was subsequently altered. The last time he saw Auburn he says, was about two weeks before the murder, and that he had borrowed 2s from him that night while he (the witness) was getting off the tram at Melrose-street. He

Does Not Dispute

that he lent Auburn 2s, and that he lent it when he was getting off the car at Melrose-street. Then he said, under cross-examination, that he lent the accused the 2s after he had moved to Melrose-street. He produced his rent book. In reply to a question put to him by me, he said he had no recollection of getting off the tram at Melrose-street before March 31. That is the day he moved there, according to the rent book. He also says that the accused caught the tram at Newcastle-street every night

Except the Night

when he lent him the 2s. It is for you to say, on the evidence, whether that 2s was lent on April 4 or not. If it was not lent to the accused on the night of April 4, it is obvious he had no money with which to pay the Goldings, and his statement to the police about walking around under the subway and the finding of the coat, is

Open to Very Grave Suspicion,

because the reason he gave for making that journey and having only 3d left would be proved to be false. I cannot give the evidence to you any more definitely than this. You saw Cecil White and heard what he said, and it is for you to come to a decision in the circumstances.

Mr. Lavan: I would point out that the witness did not attempt to fix the dates.

His Honor: No. He says he lent Auburn 2s on the night when accused did not get on the car at the corner of Newcastle and Beaufort streets.

Mr. Parker: He says he did not see him.

His Honor: We now have the accused on the last tram going to Mt. Hawthorn, on his way to Osborne Park on the night of

April 4. He says he went into Miss Golding's fish shop. He got some fish and chips, and about a shilling was paid. He walked to the Mt. Hawthorn terminus. This is about a quarter of a mile. He said he had to wait for some time for the Osborne Park tram, and mentions two persons he saw. He said he walked on to the front platform next to the driver. It was quite usual for him to do this. "When I got to the hotel," he continues, "I asked M'Kenzie to go with me as far as the back gate.

I Was Not Too Good.

I had not been too well that week. My arm had broken out. Sometimes it breaks open and sometimes gets very irritable. Sometimes it causes me pain. M'Kenzie came with me. I went inside the gate. I have to pass my father's and mother's room, and

Did Not Leave Home.'

One of the Miss Goldings was called. She said she conducted a fish and chip shop and soft drink shop at 360 Oxford-street, and that accused was a customer of the shop, and that he came in very often. He generally came in for a cool drink. Her sister had joined her in the business. She said she saw the accused at about 11.30 to 11.45, and that he came into the shop and bought fish and chips. She said she saw him get a parcel of fish and chips from her sister, but she did not know how much was paid. He wore a good felt hat, and it did not look as if it had any knocking about. She thought it was a dark grey. Her sister was called, and she only said he paid something. She did not think it was less than 1s. She said he wore an overcoat and a felt hat. One of the Miss Goldings was recalled.

This Evidence Had Not Come Out Before.

She said "We kept cool drink on the ice for him. We did this for certain customers, and he was one of them. He used to take it away with him." According to that witness he used to have cool drink put on the ice for him regularly, and take it away with him. If you look at the accused's evidence you will find he said, "When I got the soft drink at the Goldings. I used to drink it there."

Mrs. Auburn gave evidence about empty bottles and scraps of food in the bedroom of the accused, and certain witnesses have given evidence as regards the habit of the accused to carry home bottles.

Mr. Lavan: Cecil White, sir.

His Honor: Yes, and there were others. McKenzie, when he was recalled, said: "I have seen him (Auburn) with a bottle wrapped up on the tram, but I did not see him with one on the night of April 4. On the way up to the hotel he did not have a parcel; both his hands were in his pockets, and nothing was under his arm. He brought home bottles and parcels with him practically every night. He had not a bottle showing that night, not on the outside of the coat." Leen says, referring to the night of April 4: "He may have been carrying a bottle, but it was not visible. I could not help seeing it if it was visible. I would not see a bottle under his arm. I did not see him holding the neck of a bottle."

Mr. Lavan: Is that the rebuttal, sir?

His Honor: Yes.

Mr. Lavan: If your Honor will look at the cross-examination, you will find—

His Honor: I shall not go further into that evidence, Mr. Lavan.

I Do Not Give Everything.

I only direct the jury's attention to certain parts of the evidence. The gentlemen of the jury understand that I do not give everything. The suggestion was that the accused always carried home a bottle of soft drink and constantly carried home supper. Of course, this is important as regards the evidence that he visited the shops in Oxford-street and at the corner of Newcastle and Beaufort streets. But when you take the evidence altogether it seems that apparently the accused

Had Two Suppers That Night;

he got two cold pies, according to his state-

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ment, at the corner of Newcastle and Beaufort streets, and he also got fish and chips when he reached Golding's. He says that this is in accordance with his usual habit, and his usual habit apparently is to get a bottle of limejuice and soda at the corner of Newcastle-street, and Miss Golding says he was also one of her regular customers for whom she had soft drinks on the ice, Miss Golding's shop being a little further along in Oxford-street. It only shows, gentlemen, how you must examine the probabilities of the accused's story. The accused got home at 12 o'clock that night. There is no evidence that he left the hotel again that night, and he denies that he did leave it.

Gentlemen, I do not profess to have told you all the evidence. It would be impossible for me to do so. I have, however, endeavored to direct your attention to certain portions of the evidence which appear to me to be important. Whether or not they are important to you is another question. I am only too pleased to assist you.

Now in this, as in most murder cases, the guilt or the innocence of the accused depends upon circumstantial evidence. As I pointed out to you, that is inevitable in Crimes of a Secret Nature.

Baron Alderson, in a case, the Queen against Marsh, which was decided about 1830, and has not been questioned since, told the jury that in dealing with the case in which a man was charged with murder and the charge was entirely supported by circumstantial evidence, as in this case, that before they could find the prisoner guilty they must not only be satisfied that the circumstances were consistent with his having committed the act, but must also be satisfied that the facts were such as to be inconsistent with any other rational conclusion than that the prisoner was the guilty person. Baron Alderson pointed out to the jury the

Proneness of the Human Mind
to look for, and often to slightly distort, the facts in order to establish such a proposition. "Again, a single circumstance which is inconsistent with such a conclusion is of more importance than all the rest, inasmuch as it destroys the hypothesis of guilt." I might leave you with those last few words, asking you to apply them to this case. But in dealing with a case of wilful murder, where circumstantial evidence is the only evidence of guilt, Baron Alderson's words amount to this: That first of all, you must satisfy yourselves that the circumstances are consistent with the accused having committed the crime, and that then you must also be satisfied that those circumstances are consistent with no other rational conclusion which would negative the guilt of the accused. You must be satisfied not only that the circumstances are consistent with the accused being the guilty person, but that they are not consistent with any other rational conclusion. You have here a chain of facts which, if you believe certain evidence, amount to a

Most Extraordinary Sequence
of coincidences. The first is the finding of the coat, followed by the finding of the spot where it is alleged the murder was committed. You have to satisfy yourselves whether the account given by the accused that he found that spot when riding on Johnston's bicycle is correct or not. If that account is not correct, then the extraordinary coincidence remains, that he was the man to find both the coat and the spot. If you believe that he found the spot when riding Johnston's bicycle, then there is no extraordinary coincidence. We next come to the button found in the car of the deceased on the morning of April 5, a button corresponding with the buttons worn not only by the accused, but also by many other people who wear link buttons on blue serge. Still you have the circumstance that the button was found, and the further circumstance that on April 11, a week after the murder, when the detectives visited the Osborne Park Hotel, they found in the accused's room a suit that

had been washed but not pressed, and that from that suit a similar button is missing. If you come to the conclusion that the suit had been washed since April 4, and that the button missing is the one found in the car, I need not tell you that that would be

Very Strong Circumstantial Evidence.

But before you decide upon that you have to consider whether this missing button had been missing for some time before the murder. Then you have to satisfy yourselves from the evidence, which is somewhat conflicting in respect of the clothes which were being washed, which Miss Coombes saw being washed on the Monday or Tuesday after the murder. You must satisfy yourselves whether those clothes were the clothes worn by Auburn on the night of April 4, and whether they were being washed to remove bloodstains which had got on them during the murder. You have to consider that in conjunction with the other circumstances. Then there is the blood on the hat. Accused has given his explanation as to how that blood got on the hat. If you believe him, of course, that coincidence is explained. In considering a case of this kind,

Depending on Circumstantial Evidence, there may be one or more particular instances which you think have been proved, and which are of great value if inconsistent with the other evidence, as showing that your conclusions from the circumstantial evidence alone cannot be correct. The best example I can give you as illustrating my meaning is the interest attached to the evidence of the milkman and the vungster Thompson. If the car which Thompson says he saw moving at about 4 o'clock on the morning of April 5 was O'Neil's car—and there seems to be very little doubt about that—and if you come to the conclusion that the car was then first arriving on the scene, that fact would be quite inconsistent with any conclusion you might have come to on the extraordinary coincidences in this case. You might think that the coincidences in regard to the blood, the washed clothing, the finding of the coat, and of the spot, and other things, you might think on those things you were convinced that the accused was guilty. But supposing you had come to that conclusion, and then came to consider this evidence about the car first arriving on the scene at 4 o'clock on the Saturday morning, and if you were satisfied that the car first got there at 4 o'clock, that would nullify all the other conclusions you had come to on the evidence. That, I think, is pointed out by the passage I have read. I merely wish to make a few more observations. A great deal has been said about motive during the progress of this case. It is not necessary for the Crown to prove the motive, and I must remind you that motives for crimes are hard to discern. The absence of motive is not conclusive as regards the accused's innocence. It has little bearing upon it in that respect, but a reasonable motive put forward would undoubtedly have been of value to you when considering the effect of circumstantial evidence.

The Motive Suggested

in this case is perhaps a little difficult to imagine—that a sane man would, for the sake of obtaining a motor car to take some people down to Wagin, have gone to the limit of deliberately planning to kill a man and steal his motor car. It is hard to follow a motive of that description. One would have thought a motor car could be obtained in much more easy circumstances. Moreover, the detection of the crime, either for theft or murder, would probably inevitably follow. I only mention that point to you because it

Does Not Seem to Me

that the motive advanced by the Crown in this case will be of much assistance to you in considering the value of the circumstantial evidence. You have heard the evidence, and I think that already you will

probably have considered that aspect. There is nothing more that I have to add. You have had a trying task, and one to which, I feel sure, you have given your best attention. You will take the evidence as you have heard it in this Court, and you may bear in mind some of the evidence I have pointed out to you. Your attention has been directed to that evidence for your guidance. After considering everything, if you come to the conclusion that there is any reasonable doubt about the guilt of the accused, it is your bounden duty, as you are aware, to bring in a verdict of not guilty. If you have no reasonable doubt about the guilt of the accused it is equally your duty to bring in a verdict of guilty. Gentlemen, will you now consider your verdict?

THE JURY RETIRES.

The jury retired at 11 a.m.

MR. PARKER'S FINAL WORD.

Mr. Parker, addressing his Honor after the jury had retired, directed his attention to the fact that he had mentioned to the jury in the course of his summing up that if they believed the evidence that the car arrived in Vincent-street for the first time at 3.30 a.m., it would nullify everything else connecting the accused with the crime. He did not think it was his Honor's intention to tell the jury that. His Honor would probably remember that in the course of his (Mr. Parker's) remarks to the jury he had not pressed the point. Presuming, for the sake of argument, that the car had arrived for the first time at that spot at 3.30 a.m., it could still be that the accused had abandoned the car at some other place because it had broken down and for someone else to have removed it. It might have been that somebody else came along and took the car and drove it to that spot, arriving there for the first time at 3.30 a.m. In those circumstances the evidence on that point would not nullify the evidence that had been tendered.

His Honor: I carefully considered the facts regarding the motor car, and I directed the jury as I intended to. It is for the jury to say what they believe.

Mr. Parker: I felt it my duty to point this out to your Honor.

His Honor: Quite so, but I do not think it necessary or advisable to bring the jury back.

Mr. Parker: Your direction was that if they believed Thompson that meant nullifying everything else.

His Honor: I hope I left that to the jury.

Arising out of an application by Mr. Lavan for fixing the time of the Court's adjournment, his Honor conferred with counsel in his chambers.

REQUEST FROM THE JURY.

Quarter of an hour after the jury had retired they sent out word that they wished to have before them the various exhibits that had been produced during the hearing of the case. His Honor's associate, Mr. Craven, accordingly prepared them, with the exception of the mass of sheoak scrub that had been lying on the floor of the Court for a month. Included in the exhibits were several bundles of clothing belonging to the accused, his hat and the experimental hat belonging to Dr. Moss, as well as the Quadrant motor-cycle that accused was riding at the time he stated he found the "suspicious spot" along the Westana-road.

At 1.15 the Court adjourned for lunch, the jury then having been out of Court for just over two hours.

The jury returned at 2.23 p.m.

His Honor called the two counsel to the Bench, and allowed them to read a slip of paper.

Turning to the jury, he said: "This is the question you have sent up. I don't understand it."

NOT UNDERSTOOD.

The Foreman said they did not understand a reference of his Honor in his sum-

ming up. His Honor had said that if they believed a certain thing, the chain of evidence became broken; that is, if they were satisfied that the witness saw the car coming down the road on the morning of April 5.

CAR MOVEMENTS.

His Honor: I said the first time. You must recollect that the evidence is that Auburn, the accused, was on the last tram, and that he got home at the Osborne Park Hotel at midnight. He says he did not leave again. It is for you to say whether you believe that or not. Mrs. Auburn says that she heard the accused come in at midnight, and that she saw him in bed at 6.30 next morning. She also says that he was quite normal. That is the evidence you have as regards his movements. A car got to Vincent-street between a quarter and half past 11, according to the 11-year-old boy. If that was the car (O'Neil's) that would fit in with the subsequent movements of the accused, catching the last car to Osborne Park. If you believe that the little boy of 11 years saw the car moving about 4 a.m. that does not necessarily connect it, but if you come to the conclusion that that car which the boy saw moving up to the spot for the first time then that is inconsistent with the accused being in the car. You missed, I think, the words "the first time." Is that the answer to your question? Nobody saw the car on that night to examine it. You can only presume the condition of the car, if it was the car, at a quarter-past 11, by what was subsequently discovered. The only evidence is that of the boy who heard a burring noise.

Mr. Parker handed to his Honor a paper on which both he and Mr. Lavan had written.

JURY AGAIN RETIRES.

The jury then again retired.

CROWN COUNSEL'S CONTENTION.

Mr. Parker said his Honor had pointed out at the latter end of the summing up that if they believed the boy Thompson, that the car was coming down the road for the first time at 3.30, this completely broke the chain of evidence, and that they could discard everything else.

His Honor: I don't think I said that.

Mr. Parker said that was the effect which was conveyed to him. That was why he pointed it out afterwards. Loftus-street joined Vincent-street and, therefore, as he pointed out, the accused might

possibly have abandoned the car on the hill, higher up in Vincent-street, and this person who came along at 3.30 might have succeeded in getting it to go down the hill. In that case the evidence of Collins would not be correct. Except for those two boys the evidence of the chain would still be complete.

His Honor: If you do that you will have to shut out some evidence and assume something else.

Mr. Parker: What evidence will be shut out? It confirms Banks and Shilken.

Mr. Lavan: It is not right to put in supposition evidence.

Mr. Parker said it did not matter where the car was abandoned; but it was peculiar that the car was abandoned at Vincent-street within 60 yards of where the accused got on the tram. He (Auburn) might have abandoned it at Crawley and walked.

STREET PLAN PRODUCED.

A plan of the Vincent-street locality was produced.

Mr. Parker said that where Loftus-street joined Vincent-street there was a hill, and the accused, in his evidence said that going up Loftus-street towards Vincent-street cars frequently had to change gears. The injury to the car might have been caused while negotiating the hill.

MATTER OF SPECULATION.

Mr. Lavan: Mr. Parker desires on a matter of speculation to invalidate the case.

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Mr. Parker: Nothing of the sort.

Mr. Lavan: He said the car was abandoned outside Chinnery's between 11 and 11.15. We cannot afford to speculate here.

His Honor quoted a section of the boy Collins' evidence, in which the witness said, "I saw the car in front of Chinnery's. The car stopped. It would be near the lamp post near the school."

Mr. Parker: Suppose the boy Thompson did see the car coming down the hill, and that when he saw the car stop that was the first occasion it did stop, that would not interfere with all the other chain of circumstances, because it was possible for it to have been moved from the top of Loftus-street.

NOTHING MORE TO TELL THE JURY.

Concluding, Mr. Parker, said:—"You still say that if the car was there at 3.30 a.m. for the first time, the whole of the rest of the chain has gone by the board?"

His Honor: I have not told them that.

Mr. Lavan: His Honor did not.

Mr. Parker: That was conveyed to the jury, but I do not say that is what your Honor meant. But that is why the jury asked that question.

Mr. Lavan: Your Honor has already summed up twice to the jury on the question, and I think your direction was quite right. It is purely theory on the part of the Crown.

His Honor: I do not think I can tell the jury any more.

His Honor and counsel then left the Court, the incident closing at 10 minutes to 3.

O'NEIL MURDER TRIAL.

AUBURN FOUND GUILTY.

THE JURY'S VERDICT.

STRONG RECOMMENDATION TO MERCY.

The jury returned into Court at 5.48 p.m., and in answer to the Associate's question, the foreman announced a verdict of "Guilty," with a strong recommendation to mercy.

PRISONER DOES NOT SPEAK.

The Associate then addressed the prisoner: "Geo. Wm. Auburn, you have been convicted of wilful murder. Have you anything to say why sentence of death should not be passed upon you according to law?"

The prisoner, as the Associate rose to make these remarks, got up from the chair on which he had sat for so many weeks and days during the trial, and passed to the rail nearest the Judge. Apart from a flushing of the face, he showed no emotion, and made no reply to the question put to him by the Associate.

SENTENCE OF DEATH.

His Honor then put on the black cap, and, addressing the prisoner, said: "The jury have found you guilty of the crime of the wilful murder of one John George O'Neil. It is my duty to pass sentence upon you in accordance with the law: that is, that you be returned to your former custody, and at the time and place to be appointed by the Governor, you be hanged by the neck until you are dead."

With a firm step the prisoner turned and descended to the vault below.

"OH, MY GOD!"

The only dramatic note struck during those few tense minutes was when the foreman of the jury, having announced the verdict, Mr. Auburn, senr., who had a seat in the gallery, ejaculated in his distress: "Oh, my God!"

The recommendation of the jury to mercy on account of the prisoner's youth will doubtless be taken into consideration by the authorities.

FATE OF GEORGE AUBURN.

JURY'S RECOMMENDATION FOR MERCY.

EXECUTIVE COUNCIL TO CONSIDER.

PREMIER'S STATEMENT.

The Minister for Justice (Mr. J. C. Willcock) was in Collie to-day, and in his absence the Premier (Mr. P. Collier) was questioned regarding the recommendation of the jury for mercy in the case of George Auburn, who on Saturday was found guilty of the wilful murder of John George O'Neil.

Mr. Collier said he did not anticipate that the papers which will have to be prepared in connection with the case would be ready for some days, but that as soon as they had been prepared there would not be any delay on the part of the Government and the Executive Council in dealing with them. If necessary a special meeting would be called for the purpose.

It is generally believed that the sentence will be commuted to one of imprisonment for life.

MONDAY, JULY 7, 1924.

TOPICS OF THE DAY.

THE O'NEIL MURDER.

After a prolonged trial a jury, on Saturday last, found George Auburn, junior, guilty of wilfully murdering a taxi owner named John O'Neil. As no one saw the crime committed the evidence adduced was purely circumstantial, but, in the annals of crime, it is doubtful whether a stronger and more complete chain has ever been woven around an accused person. As witness after witness gave his or her testimony, it became obvious that not only was the deed a cruel one, but that it was premeditated, planned and carried into effect by a designing and utterly callous and brutal person. There was motive of course, but, strange to say, it was such as not to warrant so dastardly an act. The Crown Prosecutor, in an able address to the jury, concluded by advancing thirty points common to the murderer (whoever he might be) and to the accused. Even these might have been added to on a more complete analysis of the evidence, but fewer would have sufficed to satisfy any reasoning mind that Auburn, and he alone, was the person rightfully arraigned. The facts are simple. Auburn, some two weeks before the murder, had promised "his girl" and a party of others that he would take them a motor trip to Wagin, which is in the south-western portion of this State. Knowing the financial position of the accused, not one of the party would listen to his hiring a car for the purpose, and he accordingly represented to them that he was about to borrow one, and that it would be a "Buick Six." Obviously, to redeem his promise, he had to make arrangements to obtain a car—loaned to him and not hired—and it was to be of a particular make.

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Being a motor mechanic and knowing most of the taxi drivers on the ranks, he evidently had in mind a small man, the owner of a 'Buick Six.' It was this man's car he decided to possess himself of. So that at the right moment he would be able to find this car—it must be so presumed—he engaged O'Neil to meet him at an appointed place to take a party to the South-West, starting at an unusual hour of the night. O'Neil and Auburn did not know one another. The accused in the box said he had never seen the murdered man in his life. None of those who knew him would undertake such a journey without the cash, but evidently O'Neil, in his innocence, agreed to do so. The trip having been arranged for Saturday, April 5, starting early in the morning, the accused on the preceding Friday evening journeyed to the spot where O'Neil was to meet him. Having premeditated his course of action, he had a bar—probably a piece of iron pipe—wrapped in paper which was seen by "his girl" before he left her on his mission, and he had secured new number plates to replace those on the car which he had determined to possess himself of. That night O'Neil was foully murdered, his head having been belabored and smashed to pieces with some such instrument as a bar or pipe, at a lonely and sparsely populated spot in a remote suburb. Auburn did not return on that night as he had promised to do. His party were up early on the following morning, and had breakfast at 6.15 a.m., so as to be ready to start. But Auburn did not appear. "His girl" rang him up and asked the reason, to which he replied that the car he had obtained had broken down, and he was getting another. O'Neil's car was subsequently found in the direction of the accused's residence broken down. Later on Auburn went to town and hired a car from a driver named Singe who took him and his party to Wagin. By this time the news of the murder had spread widely. It was discussed on the trip, it was further spoken about in Auburn's presence at Wagin. The accused, however, declared that he had never heard a word about it until his return to Perth on the following Monday. Curiously he took to Wagin with him the murdered man's overcoat, and left it there in the stable of the hotel. He swore that he had found this coat under a Perth subway when on his way home on the night of the murder. He was seen washing his suit of clothes and accounted for his act by stating that he had got mud on it during the trip, whereas, according to the evidence, there was no mud on the journey. On his hat and clothing blood stains were found. These he accounted for by stating that his arm had been damaged and was bleeding, and that he had swung it and spattered the blood around, some of which might have lodged on his clothing. The injury to his arm was caused, he said, by his bumping into two persons whilst on his way home, but neither of them could be found to give evidence. On the admittedly hot and sultry night of the murder he was seen wearing the murdered man's heavy overcoat (tight fitting for Auburn) buttoned up whilst on his way home. He obviously did this for the purpose of covering up the blood stains on the clothes which he subsequently washed.

The coat belonging to these clothes had had a jigger button, but it had been wrenched off. A similar button, blood bespattered, was found in the murdered man's car, and, strangely enough, the material left on the coat and on the button fitted one another. The accused not only found O'Neil's overcoat, but he was also able to point out to the police the lonely spot where the murder was committed, notwithstanding that others had constantly passed by and had seen nothing. Besides these main facts there were a host of others, to say nothing of the contradictions. In regard to the latter, the accused, in order to bolster up his story, was forced to deny, in many particulars, the evidence given by his own "girl," and many others.

The defence set up was in the nature of an alibi, which largely depended upon the testimony of two women who declared that the accused had bought pies from them at a time when he could not have committed the deed. The rebutting evidence called by the Crown, however, shattered the alibi, for it showed that the ladies must have been mistaken as to the night. With such material only to work upon, Mr. Lavan put forward a splendid, although specious, case to the jury. As an advocate he proved himself to be of the first rank, but his task was hopeless from the outset. His client had already woven his own rope. The acts and statements of the accused, together with the evidence of independent witnesses, afforded Mr. Parker an opportunity of presenting his case in manner deadly to the accused, and his concluding thirty points were so convincing and beyond challenge that the jury was left no option to find other than they did. Indeed, two of these points alone were sufficient to set all doubt at rest as to who was the murderer. Put in a slightly different form, the first would be:—

(1) Who was the particular man having a motive to possess himself (other than by hiring) of a car of the particular Buick Six type, on the particular night of April 4, when O'Neil was murdered?" To this there is but one answer—Auburn.

(2) Who was the man found wearing the murdered man's overcoat within two hours of the murder, and who was the man able to point out the obscure spot where the deed was committed? Again only one answer—Auburn.

The answers to these questions set up a prima facie case which called upon the accused to account for his whereabouts and his actions on that fatal night. Although well and extensively known, he was unable to offer any satisfactory explanation.

That Auburn had a patient and a fair trial will not be denied. Indeed, Mr. Justice Draper, in his address to the jury, stressed every possible point in favor of the accused. In several instances his remarks had a tendency to influence the jury against the obvious. For instance, he told them that the fact that Auburn had procured new number plates having his father's registered numbers thereon was favorable to the accused, because by using them he would be courting detection. Of course, the very opposite is the case, and the accused showed more criminal astuteness than his Honor. With all and sun-

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dry looking out for stolen cars, Auburn, in charge of a car with some other number plates, would at once call forth challenge, but with his father's numbers no notice would be taken. In some other respects also (notably his direction on the evidence of the boy Thompson), his Honor strained the evidence in favor of the accused, but on the whole the charge to the jury was as impartial as it was lengthy. Before relegating the recent trial to the archives of history, there is one further matter which needs to be referred to. When this dastardly murder was committed there was a cry for the arrest of the culprit—sympathy went out to the dead man and his family in full force. The police entered upon their task without a clue. Baffled for days and days in their attempts to satisfy the public, they had the odium of incapacity heaped upon them. Working night and day, they at last discovered the culprit and brought him to justice. No sooner, however, had their efforts been rewarded, than the sympathy for the dead man and his family was cast aside by many, and all concern was for the accused. The police in their turn, instead of receiving the commendation they undoubtedly deserved, had abuse and invective heaped upon them. It was charged against them that they had applied to the accused youth the "third degree"—they had subjected him to the tortures of the rack—in order to extort from him admissions adverse to himself. Of course, nothing of the kind occurred. Auburn was his own accuser, from the outset. He was the volunteer, and not the pressed man. When the mass of evidence adduced is carefully analysed, the intelligent and persistent work of Detectives Purdue and Doyle and their assistants becomes apparent. From the outset they were faced with a most difficult task, and from nothing they were able to forge a chain so complete and strong in all its links that the perpetrator of one of the most heartless and callous crimes known to history was unable to escape from its meshes, notwithstanding the great skill of the expert he employed to bring about his release.

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A LEAD PIPE SECTION. FOUND AT WESTANA ROAD. NEAR SCENE OF O'NEIL MURDER.

HAS IT ANY SIGNIFICANCE?

On Saturday at midday, "a mental case" at the Old Men's Home set out on a stroll in the bush, which surrounds the institution, and walked to a spot at Westana-road, close to where the indications were that John O'Neil, the taxi-driver, was battered to death. Very soon afterwards he hurried to the Master of the Home (Mr. A. C. Rust) to inform him that he had found a weapon in the bush, about 100 yards from the roadway, on the opposite side of Westana-road to the scene of the O'Neil murder, and a little towards the Home.

At first little significance was attached to the man's story, but as he said he did not touch the piping, because he wished to tell Mr. Rust of his find, and get his advice, he was asked to go and bring it in. This he did, and returned with a piece of lead piping, soldered at one end, with the appearance, Mr. Rust said to-day, of having been well weather-worn.

Immediately Mr. Rust saw the possible importance of the find, he communicated with the police, and the weapon is now in their hands.

A representative of "The Daily News" while seeking information this morning regarding the piping, met Inspector Condon, of the C.I.D., in a tram, and noticed that he was carrying what looked like a bar wrapped up in paper. Mr. Condon undid the paper and displayed a piece of lead piping about 15in. in length, by approximately three-quarters of an inch in diameter. The piping was hollow, but had been filled up with lead at one end. It is fairly pliable and can be bent in the hands, but by reason of its loaded end would make a dangerous weapon if anyone wanted to do violence with it.

Having been found in Westana-road it is only natural that the section of lead piping will be considered in connection with the murder of O'Neil. However, while it is, of course, possible that it was used in the murder, there may be quite another explanation for its being found in the neighborhood. Doubtless the police will have the piping carefully examined and inquire otherwise regarding it.

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LEAD PIPE SECTION.**TO BE EXAMINED.****IS IT THE WEAPON ?**

When questioned this morning, Inspector E. Condon, of the C.I.D., said he was not yet in a position to express an opinion as to the likelihood of the lead piping found at Westana-road proving to be the weapon which brought about the death of John George O'Neil. While it is agreed that such an instrument would cause severe injuries, and, if used with violence, bring about the death of a victim, there seems to be some doubt as to whether it would batter the head to such an extent as that of the unfortunate John O'Neil was battered.

Having inspected the piping with only the naked eye, and having submitted it to no tests, it is well-nigh impossible to say whether it is stained, but, even were it the weapon used by the murderer, this would be understandable. It was on April 4 that the murder was committed, so that if it were thrown away on that night it would have been in the open for three months, and must necessarily be affected by rain, sand, and wind. However, it is to be examined by Dr. Atkinson, and it is more than likely that if it was the weapon used by O'Neil's murderer there will be left on it traces of blood sufficient for the doctor to carry out the various tests. As Dr. Atkinson is at present out of town it is probable that the result of his examination will not be known for a couple of days.

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THE O'NEIL MURDER.**THE LEAD PIPE SECTION.****NOT CONNECTED WITH MURDER.****DET.-SGT. PURDUE'S OPINION.**

From a report which reached Inspector Condon at the C.I.D. to-day from Detective-Sergeant Purdue, any suspicion that the lead bar which was found near the scene of the murder of John O'Neil at Dalkeith could have been connected with his death was completely dispelled.

The detective-sergeant paid a visit to Dalkeith, and after full investigation he reports that the spot where the lead pipe was picked up is actually 300 yards on the Nedlands side of the spot where the murder was committed, and 30 yards from Westana-road. It was practically established by the evidence that the car went from the spot towards Claremont, so that the bar would have been discarded before the murder was committed.

Apart altogether from this, Detective-Sergeant Purdue discovered that at the place where the bar was found the Cottesloe-Perth telephone line passes through, and at this particular place the wires are transferred from the polls to the underground, and copper wires are connected by flexes, and the current is thus conducted down the pole into lead pipes, and then into iron pipes underground. The lead pipes are the same size and description as the section found by the old man from the Home. The piece was picked up 12 yards from the pole, and is probably a section that was not required by the workmen.

Detective-Sergeant Purdue also considers that O'Neil's injuries could not have been caused by the piece of piping that was found. Further, as has been stated, it was inferred in the evidence that the car came from Nedlands. Detective-Sergeant Purdue concludes his report by saying that, to his mind, the piping could not have been in any way associated with the murder.