

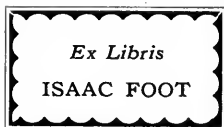
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Steinie Morrison

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Steinie Morrison.

Trial of
Steinie Morrison

EDITED BY

H. Fletcher Moulton, B.A.(Cantab.)

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW



LONDON AND EDINBURGH

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TO
THE RIGHT HONOURABLE SIR CHARLES JOHN DARLING
THIS VOLUME
IS
BY KIND PERMISSION
RESPECTFULLY DEDICATED
BY
THE EDITOR

STEINIE MORRISON.

INTRODUCTION.

ABOUT eight o'clock on the morning of New Year's Day, 1911, the body of an elderly man was found by a policeman, lying in some bushes on Clapham Common. Examination showed that the man had been killed by blows on the head, and that he had subsequently been stabbed and his face mutilated with a knife. The most important mutilations consisted of two cuts, each somewhat resembling an "S," one on either cheek. It was clear that the man had been murdered on the footpath and then dragged into these bushes, eight or ten yards away.

Papers found on the body enabled it to be identified as that of Leon Beron, a Russian Jew, who had been in this country for five years, and was living in Whitechapel. By 6th January the police had sufficient information to issue notices offering a reward for a cabman who had driven two men from the East End to Clapham Common between midnight and 6 a.m. on the 1st January, or had picked up a man on the South Side of Clapham Common or Clapham High Street between 2 a.m. and 6 a.m. on that morning.

On the 8th January Steinie Morrison—an ex-convict—was arrested and subsequently charged with murder. The arrest took place at a Jewish restaurant in Fieldgate Street, Whitechapel, where Morrison was breakfasting. The police evidently expected trouble—they had ascertained that Morrison was in the habit of carrying a revolver—for no less than five policemen took part in it. Morrison, however, made no resistance, but told the police that they had made a great mistake.

He was taken to Leman Street Police Station. After being detained there for some hours he sent for Inspector Wensley and subsequently for Inspector Ward, and said, "I understand that I am detained here on a very serious charge—murder, I am told."

This statement led to one of the most acute controversies in the case. According to the evidence for the prosecution no mention had at this time been made of the charge on which he had been

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arrested, and stress was laid on the fact that he himself mentioned murder, as showing he must have had knowledge of the crime. Morrison on the other hand declared that he had already been informed of the charge, and this evidence was corroborated by P.C. Greaves—a constable on duty at Lemau Street that morning.

Morrison then made a statement as to his history and recent movements, which seems to have been substantially correct.

The next day the prisoner was formally charged with the murder before Mr. de Gray at Lemau Street Police Court.

It is not necessary to refer in detail to the evidence at these proceedings, which was for the most part the same as that given at the trial. There were, however, unusual incidents in that two witnesses for the prosecution gave evidence which they afterwards retracted.

The first case was that of a girl—Eva Flitterman—who testified to having seen the prisoner on the 1st January wearing a five-guinea or five-pound piece on his watch chain. As a five-guinea piece had been one of Leon Beron's ornaments this evidence, if true, would have been most material, though it is difficult to believe that Morrison, who, according to the evidence for the prosecution, had successfully disposed of the rest of the deceased's jewellery, would have flaunted such a damning object on the very day of the crime. Eva Flitterman identified the coin as a five-guinea piece by its similarity to one worn by her father. The witness on the next occasion said that she had since found from her mother that the coin her father had worn was a two-guinea piece, and therefore her former evidence had been wrong. As the coin worn by Morrison seems to have been a Kruger half-sovereign this witness's power of observation would appear to have been of a somewhat low character.

This recantation led to a somewhat dramatic application by the Defence for a committal for perjury, and on this being refused by the Magistrate a letter was written to the Director of Public Prosecutions asking that he should prosecute the witness for perjury. This Sir Charles Matthews refused to do. There can be little doubt that this refusal was right. Most people reading the whole of this witness's evidence would come to the conclusion that she had made a genuine mistake, and her subsequent course of action in immediately informing the police and the solicitors for the defence of this mistake strongly corroborates this view. But it is a matter of surprise that more care was not taken to test the evidence of such a witness before she was put into the box on behalf of the prosecution.

The second witness was a youth named Rosen who, after

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swearing to seeing the prisoner in the streets at half-past one a.m. on 1st January, and also to having seen him with a revolver, retracted the statement as to the time, and said that he had never seen the prisoner with a revolver. He also alleged that he had been threatened by the deceased's brother that harm would happen to him if he retracted his previous evidence. Naturally neither witness was called at the trial.

Steinie Morrison reserved his defence and was in due course committed for trial. Meantime the Coroner's inquest had been proceeding and had resulted in a verdict of wilful murder against Morrison.

On 27th February four men were charged at the Lambeth Police Court with assaulting Alfred Stephens—a witness for the prosecution. The evidence of Stephens was of the utmost importance to the case for the Crown since he was alleged to have picked up Morrison near Clapham Common just after the murder. Stephens stated that he had been threatened as early as 15th January because he was assisting the police in the Clapham Common case, and that on 20th January he had been attacked in the street by the defendants with such violence that he had to be taken to hospital. The principal defendant Rappolt admitted the assault, but said it was because Stephens had kissed Rappolt's wife. Three of the men were committed for trial, and on 3rd March were convicted and sentenced by Mr. Justice Darling to terms of hard labour. There was no evidence beyond that of Stephens to connect them with Morrison, and they all denied that they were acquainted with him in any way.

Three days later the trial of Morrison was opened before the same Judge, Mr. R. D. Muir, leading for the Crown, and Mr. Abinger for the defence. The case for the prosecution was simple. Morrison was well acquainted with the deceased, had been with him all the evening of the 31st December, had driven with him to Clapham Common in the early morning of the 1st January, and had been seen leaving Clapham Common shortly after the time when the murder had been committed. Added to this Morrison had left his lodgings the next morning, and had not returned to them; had appeared with a large sum of money, and had also on the same day (1st January) pawned his revolver as if anticipating possible arrest. The principal witness for the Defence was the prisoner himself, who denied that he was a close acquaintance of Beron or had been with him at all on the night in question. He stated that he had been at a music-hall from nine till eleven and had gone to bed at midnight, and he called witnesses—some of whose

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evidence was severely shaken in cross-examination—to support these statements. He explained his absence from his lodgings by the fact that he had gone to live with a woman, and his increased resources by the receipt of money from his mother in Russia.

At the end of a nine days' trial the jury returned a verdict of guilty, and Morrison was sentenced to death. His appeal against his conviction was dismissed by the Court of Criminal Appeal, but the Home Secretary in the exercise of his prerogative of mercy commuted the sentence to penal servitude for life.

A few comments may here be made on the evidence by which the prosecution sought to bring home the crime to the prisoner. The main evidence for the prosecution dealt with the movements of the prisoner on the night in question. It may be divided into two classes, the more important being that relating to the question of the prisoner's presence near Clapham Common about the time of the murder, the other and less important class referring to his being seen with Leon Beron in various parts of Whitechapel on the night in question. Of course, this latter evidence would not in itself have been sufficient to secure a conviction, but if believed it showed the statements of the prisoner and witnesses for the defence to be untrue.

This last class of evidence may be again divided into that of witnesses who claim to have seen the prisoner and deceased together before midnight—thus conflicting with the story told by the prisoner and the Brodskys that he was at the music-hall, and of those who saw him after midnight, thus discrediting his alibi, viz., that he had gone to bed at midnight and remained there. The first class included Snelwar, who kept the eating-house; Mintz, the waiter; Hermilin, Jack Taw, Zaltzman, and Weissberg. These witnesses all knew both men well and had ample opportunities of seeing them, so that mistake on their part was impossible—their evidence must have been true or perjured.

Those who saw Beron and Morrison in the streets after midnight were Jack Taw, Zaltzman, Weissberg, and Mrs. Deitch. Here the opportunities for clear identification were much less, and mistakes were possible, more especially if Beron's companion resembled Morrison.

In the case of Mrs. Deitch there is the further difficulty that she definitely placed the time when she saw the prisoner at 2.15 a.m. Now the evidence of the cabman Hayman is that he picked up his two fares at the corner of Sydney Street at 2 a.m. It is not possible to admit any substantial mistake as to this latter time,

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as this would throw out the whole time table on which the prosecution based their case. The jury must have taken the view that Mrs. Deitch was mistaken either as to the time, or as to the identity of both the men she saw.

The evidence on which the case really turned was that of the three cabmen. The first of these was Hayman, who claimed to have picked up the prisoner and another man at Sydney Street at two in the morning of the 1st of January, and to have taken them to Lavender Gardens. Hayman made no attempt to see the police until the 9th January, on the 10th he made his statement to the police, and on the 17th he picked out the prisoner from six or seven other men.

The next was Andrew Stephens, who picked up a single fare at Clapham Cross and drove him to Kennington. He again did not go to the police until the 10th January, and not till after he had seen a picture of the accused in the papers. In this case also the identification took place on the 17th. In Stephens' first statement to the police he placed the time at which he picked up his fare at 2.30 a.m. If this had been the time, the fare, of course, could not have been Morrison, since according to the evidence for the prosecution he was at that time being driven with Beron towards Clapham Common. Apparently this witness had told the police in the first instance that he was certain of the time, as it was about one hour after the last tram went, and that that tram went at 1.30. Later the witness went of his own accord to the tramway company and found that on that particular night the last tram had not gone till past two. Accordingly the witness changed his estimate of the time at which he picked up his fare to a few minutes past three. The witness stated definitely that he had not spoken to Hayman before going to the tramway company. Curiously enough, the question never seems to have been put to him as to what was the reason that caused him to doubt his first statement as to the time, and to think it necessary to verify the time of the last car from the tramway offices.

The third witness was Alfred Castlin, who drove two men—one of whom he identified as the prisoner—from Kennington Church to Finsbury Park at 3.30 a.m. In this case the identification took place on the 9th January.

In all these cases the cabmen described the prisoner's appearance with a surprising wealth of detail and identified him without hesitation, but in each case the evidence was open to the comment that the prisoner was unknown to the witness, that the witnesses had only seen him for a few moments on a dark night, that in two

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cases the identification did not take place till the 17th January, and that in the interval numerous portraits of the prisoner had appeared in the Press.

No property belonging to the deceased could be traced to Morrison, but this fact was of little significance since a week had elapsed before his arrest, and he was a man well acquainted with the channels for disposing of stolen property. On the other hand the state of Morrison's finances certainly seems to have improved about the date of the murder.

Another point on which considerable, perhaps undue, stress was laid by the prosecution was the supposed fact that at the police station Morrison had sent for an inspector and said that he understood that he had been arrested for murder. According to the police evidence no such charge had been mentioned to him, in fact no statement had been made as to the cause of his arrest. Therefore, said the prosecution, if Morrison was innocent why should he think of murder as the charge?

But in the middle of the closing speech for the Crown Mr. Abinger stated that he had just got new evidence on this point and asked leave, which was granted, to call a fresh witness. This witness was P.C. Greaves, a constable who had been on duty at Leman Street Police Station on the morning of Morrison's arrest. This witness swore positively that he had heard Sergeant Brogden tell Morrison that he had been arrested for murder.

In view of this conflict of evidence the jury probably attached little weight to Morrison's supposed statement. But even if the evidence of the prosecution as to how it was made were accepted, such a statement would have little significance. Between the time of the murder and of Morrison's arrest the Press was full of news and theories relating to the murder, and some of the items published certainly would have been sufficient to have given Morrison the idea that he was suspected of the murder, if in fact he read them. It was announced that the police were looking for a tall handsome man who had appeared at Snelwar's restaurant about two months before and had become intimate with the deceased. This stranger was described as a Russian speaking several foreign languages, and, though many of the incidents relating to him seem to have been pure inventions, some of them would certainly have been recognised by Morrison. Perhaps the most important was that this stranger had handed a parcel containing an iron bar to the waiter at the restaurant on the night of the murder, and received it back when he left the restaurant with Beron. If, in fact, Morrison knew from the Press reports that the police were

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looking for him as the murderer, the question as to whether he had been told of the charge on which he had been arrested before he made his statement at the police station becomes comparatively unimportant.

The imputation cast upon the police was, however, too grave to pass over. Questions were asked in Parliament and an inquiry was ordered to be held. This inquiry was conducted by Mr. (now Lord) Cave, who, after a hearing lasting over five days, found that the evidence given by P.C. Greaves was incorrect, and that no intimation of the charge had been made to Morrison prior to his statement.

From the legal point of view the most interesting feature of the trial was its illustration of the working of the Criminal Evidence Act, 1898, which permitted the prisoner to give evidence on his own behalf. Perhaps the chief objection which had been urged to this measure when first proposed was that it would lead to a conflict between two principles of criminal practice—one that the jury must not (except in certain special cases) be informed of any previous convictions of the prisoner, or of other circumstances in his past career, not directly connected with the crime with which he is charged, which would be likely to prejudice them against him—the other that any witness may be cross-examined as to credit, so as to shake the value of his testimony, and, in particular, may be asked questions as to previous convictions. If then the prisoner himself gave evidence could such questions be put to him?

A compromise was arrived at which at first sight seems very fair to the prisoner—no questions tending to show previous bad character might be put to him *unless* the conduct of the defence had been such as to involve imputations on the character of the prosecutor or of the witnesses for the prosecution, or unless evidence of the prisoner's good character had been offered. But in practice—as is well shown in the present case—this puts the counsel for the defence under very heavy disabilities. He may know facts which should properly be brought to the notice of the jury as weakening the testimony for the prosecution, but he must either leave them untouched, or risk this effect of his client's previous character being told to the jury. And this effect is very different to that produced in the case of any other witness. The prisoner's previous bad character, if it affects the minds of the jury at all, will tend not so much to shake their faith in his veracity as to make them think that, having been guilty of other crimes, he is the more likely to be guilty of the crime with which he stands charged before them.

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Further, the rule is not really a fair one. In order to protect the prisoner from cross-examination as to character the whole of the witnesses for the prosecution must be exempted from questions tending to reflect on their veracity, but the protection so obtained by the defence extends to the prisoner alone, and any other witness for the defence may be asked questions as to character or previous convictions. Thus in a case where the records of the witnesses on both sides were not irreproachable the witnesses for the prosecution might appear to the jury with unblemished reputations, while the evidence of the others would be discredited by questions put as to their previous career.

It would appear to be more in accordance with the desire of our law that the prisoner should be convicted only on evidence directly bearing on the crime with which he is charged, that the protection accorded to him if he enters the witness-box should not have to be purchased by the abandonment of a legitimate weapon of the defence. If the protection were absolute it would not in general lead to any injustice. It is very doubtful whether the jury attach much importance to the supposed veracity of a man charged with a serious crime—as in the case of Steinie Morrison. The effect of the prisoner giving evidence is not that the jury will think “He cannot be guilty for he has sworn he is not, and we cannot think that he would tell a lie on such a matter,” but rather that they will form their judgment on the sufficiency of his answers to the questions put to him, and on his demeanour in giving his evidence.

Of course, the other exception—where the prisoner calls evidence as to his own good character—stands on an entirely different basis. There the defendant has deliberately chosen to make his previous character one of the points to be considered by the jury, and therefore all evidence for or against him on this point should be admitted.

A somewhat curious attempt to extend the circumstances in which the prisoner might be cross-examined as to character occurred in a recent case. The prisoner was charged with murder and set up the defence that the dead man had attempted to commit a criminal assault upon him, and had then attacked him, and that he had killed the deceased in resisting this attack. The counsel for the prosecution claimed that this imputation on the character of the victim had the same effect as an imputation on the character of a prosecutor or witness, and asked questions of the prisoner tending to show that he had been guilty of another crime, viz., misappropriating money. The prisoner was convicted of man-

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slaughter, but the Court of Criminal Appeal quashed the conviction on the ground that questions as to the prisoner's previous character had been improperly admitted.

In the case now under consideration it was suggested by the prosecution that questions had been asked of two of their witnesses, viz., Mrs. Deitch and the waiter Miritz, which would entitle them to cross-examine the prisoner as to his previous career.* In the case of Mrs. Deitch it seems clear that such questions had been asked, but the other case was far more doubtful. Mintz was asked whether he had not been put in an asylum after an attempt to hang himself. Of course, *felo de se* is a felony, and the prosecution claimed that this question was therefore an attack on the character of the witness. But it is clear that Mr. Abinger's object in putting the question was not to suggest that the witness was a criminal, but that he was mentally unbalanced and had shown this in the clearest way by attempting to kill himself. Certainly such a question was not within the spirit of the exception laid down in the Act, and Mr. Justice Darling based his decision that counsel for the prosecution were entitled to cross-examine Morrison as to his previous career on the questions put to Mrs. Deitch.

Mistaken identity and the question of the reliance to be placed on a witness's power of identification are subjects of very old standing interest. If the average reader will try in his own mind to give a description of the dress and appearance of a few persons whom he has met casually say a week or a fortnight before, he will be somewhat surprised at the very accurate description of suspected persons given by witnesses to the police in this case as well as in many others. No doubt part of this apparent perfection is due to the skill of the police inspector who takes the particulars. Where what is sought is a description which will enable others to recognise the man whom the witness has seen, the clearest mental photograph is useless if the witness cannot put it into words. Here official routine and knowledge of the features necessary for identification can render useful and legitimate aid. But it is impossible sometimes not to suspect that some of these details may have been suggested to the witness, where the appearance of the suspected person is otherwise known to the police. Any such suggestion almost destroys the value of subsequent identification. Once a

* It should be stated that no blame can attach to the counsel for the defence in respect of this cross-examination as these questions were put on the express instructions of the prisoner after he had been warned by his counsel of the possible consequences to himself.—ED.

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suggestion as to any prominent feature in the suspected person has been made to and accepted by a witness, the latter is apt to concentrate his attention on the presence or absence of such feature when attempting to identify the person he is supposed to have seen.

Of course, the strongest possible form of suggestion is a photograph. If from a general resemblance the witness thinks it is that of the man whom he saw, he is almost certain unconsciously to use the portrait to fill up blanks in his memory, and his mental picture of the man he saw becomes more and more a reproduction of the photograph.

There can be little doubt that these difficulties were very strongly before the judge's mind and influenced his summing up, which undoubtedly showed that he personally would have hesitated to convict the prisoner.

The present is a case where the legal interest is of quite secondary importance. The outstanding feature which must strike every student of modern murder trials when he comes to the Clapham Common murder is the strangely theatrical nature of the crime and all its surroundings. No one could imagine the sordid crimes of the Seddons or Deeming forming a subject for dramatic treatment, unless in works produced for the benefit of those strange coteries who seem to specialise in plays whose outstanding feature is the drabness of the life and vices which they portray; plays whose failure, when submitted to the acid test of the box office, is one of the most satisfactory tributes to the inherent good sense of the British public.

But in the case of Steinie Morrison the action unrolls itself in a *millieu*, which not only suggests the theatre, but seems hardly conceivable as existing in modern London. The apparent irresponsibility of all the characters and their strange *far niente* lives—conducted according to rules and motives utterly strange to the average Briton—is typified by the witness who described himself as “a retired gentleman living on his means,” and then gave his address as at Rowton House and those means as about fifteen shillings a week. To appreciate the society and manners with which this case deals we must realise that this witness was not, as the cross-examining counsel suggested, indulging in a ridiculous boast or perpetrating a silly joke, but was stating a simple fact, a fact which he and his friends knew to be an everyday occurrence.

Let us consider the life of the murdered man as told by his brother. His income was about ten shillings a week, derived from rents, and his budget, in which the principal items were 2s. 9d.

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a week for a room (of which 9d. was provided by a charitable brother) and about 1s. 3d. a day for living—the very figures of the prices come in these post-war days as a refreshing breeze from a distant land—would practically balance on this income, though without leaving any margin for those vices with which he was also liberally endowed by that brother's story. Then the manner of this life. This was simply that of the continental café, represented by a Kosher Jewish eating-house, an eating-house whose patrons seem not infrequently to have sat in it from breakfast time till midnight. His only occupation was to talk to the other guests. And yet he was a man of substance—a man with a gold watch and heavy gold chain on which hung a five-guinea piece, items of adornment which must have represented more than a year's purchase of his annual income.

Further, his position was fully recognised by the other habitués. He was undoubtedly a gentleman—if we accept that definition which makes living without the need of work the test of this condition of life—he had sufficient for all his wants—he displayed in oriental manner great possessions on his person. Naturally stories of wealth grew up and it was supposed that he periodically carried large sums of money—a proposition as to which little real proof was adduced.

A further dramatic feature is found in the life of the victim and his two brothers. They had claims on a London estate of fabulous value, their just pretensions were said to be thwarted by a firm of rascally solicitors, they had come to London to establish their claims—and had remained there for sixteen years apparently without making one step in this direction. All this is in strict accordance with the principles of melodrama, and suggests Jerome's "Stage Life" far more than a story unrolled under the grimmest circumstances in a British Court of Justice.

And then the strange life of these three brothers, passed in idleness in an alien land, apparently in forgetfulness of the purpose which brought them there, their ignorance or lack of interest in each other's lives, and yet their daily meeting at the appointed hour for the prescribed family prayer, a meeting of such regularity that the non-appearance of one brother immediately led the others to think that he must have come to a tragic end. Truly the Russian Jew lives here as an alien—not in the sense that his interests or sympathies belong to any other country, but because he carries his Ghetto with him, a Ghetto whose gates enclose a life which we neither know nor are capable of understanding.

The life of the prisoner was also far removed from the

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ordinary. He was a man of magnificent physique, standing six feet three high, handsome, intelligent, courageous, but apparently untroubled by any moral sense whatever, though he seems to have been kind to women and children: an habitual criminal, who, though under thirty, had already served two long sentences, of doubtful nationality and uncertain name, of unknown resources whether these were legitimate or the reverse, living a life whose circumstances seem to admit neither of verification nor disproof, his probable actions and motives were hard to conjecture. One of the strongest features of the case for the prosecution was that immediately after the murder the prisoner disappeared, his disappearance being, in fact, effected by merely moving into an adjoining street and patronising a different eating-house. He explained this disappearance as merely the result of a passing amour, for women, to whom he was undoubtedly attractive, played a large part in his life. But if a deeper reason is sought we are bound to attempt to judge his actions in view of his criminal antecedents and mode of living. On the one hand he might desire to escape the notice of the police, either because of his past history or because he was engaged on crimes other than that with which he was charged; on the other hand a mere change of address, harmless though the motive might be, was in his case a very serious step—in fact a crime which entitled those police to arrest him at sight, for he was a convict released on licence.

But best of all from the reader's point of view is the real mystery attending the crime itself. The place, a lonely common; the time, the dead of night; the utterly unexplained circumstances which led to the presence of the victim, all add to the vivid interest of this crime of crimes. Why should an apparently respectable elderly gentleman of comparatively regular habits proceed across London at dead of night, whether alone or whether accompanied by his murderer-to-be, and hurry into the heart of Clapham Common? Neither prosecution nor defence suggested any explanation which carries the slightest conviction.

Then the mysterious signs cut on the face of the victim after death—those two mystic "S's" which learned professors recognised as the sign of treachery and revenge in half a dozen different languages—yet of which no explanation ever emerged. Here great and mysterious names come floating on the scene—Peter the Painter (now said to be occupying the honourable post of Lord Chief Justice in Russia)—Sydney Street—Russian anarchists—not the modern variety produced by German gold and half-digested German literature, but the real brand found in the novel, redolent of secret

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societies, assassination and revenge. All these appear and seem to claim a solution and explanation, a claim which, alas! is unsatisfied, since while the novelist can, and indeed must, always explain everything, a Court of Justice may, and frequently does, fail to do so.

The character of the evidence was also refreshingly different from that found in so many of the trials of this series. Here were no scientific experts slowly but conclusively establishing the prisoner's guilt by irrefutable evidence—yet by evidence which the average reader or the average jurymen must take on trust, since he has not the scientific education which would alone enable him to judge of its true value. Nor did the trial really turn on circumstantial evidence, where we start with a series of facts more or less conclusively established, and the real contest is whether the inference to be drawn from these facts is that the prisoner is guilty. Here the real question was whether the evidence tendered proved certain facts—facts which once established would be undoubted proof of the prisoner's guilt. If, for example, we accept the evidence of identification, which would prove that the prisoner and the murdered man came together across London from Whitechapel about the time the murder was committed, and disappeared together into the darkness of Clapham Common, and that a quarter of an hour afterwards the prisoner reappeared alone, there is but one conclusion; and not the most hardened counsel for the defence could seriously argue that there was any doubt that the prisoner committed the murder that took place. Here the fight was whether these facts were established, whether the evidence of identification was sufficient, which witnesses were to be believed. It was a case in which the jury had to fulfil their most typical and valuable function, that of assessors of the credibility of evidence.

And this task was no sinecure in the present case. The witnesses told frankly contradictory stories—were called liars in the good old-fashioned way, and were not infrequently proved to be so. Apart from the evidence of the cabmen, the chief contest was what the prisoner did on New Year's eve, that saturnalia in London East End life when no one goes to bed and every one is in the street for no motive at all. And the general irresponsibility of this type of East End life was reflected in the witnesses and their easy treatment of the oath; in fact, the atmosphere of the case resembled more that of certain Indian cases in which, according to one eminent judge, the Court should approach all evidence in the spirit that if verbal it is perjured, and if written forged, but above all should avoid being prejudiced against the merits of a party's case merely because that case is supported by false evidence.

The circumstances of the trial itself were also of a dramatic

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nature. The unshaken demeanour of the prisoner, his frank confession of his criminal career, his ready responses to the pitiless questions of the cross-examining counsel, were remarked by all present. And as the culminating effect the outburst of the maniac brother of the victim—whose reason had been apparently destroyed by the tragedy—as he flung himself on the counsel for the defence in the midst of his closing speech and was removed from the Court to the asylum where he remains to this day.

All these circumstances had a very real effect in increasing the difficulty of the task of the jury. The essence of the jury's function is the exercise of common sense; they are there to form their judgment in view of the probabilities of ordinary life. Accordingly, the average jurymen estimates probability or the reverse according to the standard of his own life or the life of those with whom he is acquainted. But what is such a man to do when the action moves in a strange world, in a new *Boheme* (though rather a drab one) where no one seems to work, where independent gentlemen live in Rowton House on ten shillings a week, yet carry about valuable gold watches, and in which hardly an actor or a witness ever seems to have been governed by a principle or a motive such as the average Briton knows? This difficulty was reflected in the result. Mr. Justice Darling—who conducted the case throughout with conspicuous dignity and fairness—evidently was of opinion that the guilt of the prisoner was not conclusively proved. The jury arrived at a different conclusion and convicted him. And in so doing each was strictly acting within his province.

Here it may be well to explain the different functions of a judge when delivering his summing up, functions which are perhaps not universally appreciated. Firstly, he recalls to the minds of the jurymen the evidence which has been given. In this he acts rather in a ministerial than in a judicial capacity, and should preferably refer to all the evidence. If he should make any gross omission or misstatement, counsel would probably respectfully call his attention to the fact. But all this evidence has already been before the jury, and slight omissions in its recapitulation are therefore not likely to lead to serious results, consequently the Court of Criminal Appeal is loath to interfere with a conviction on the ground that the judge did not refer to certain evidence, unless that Court is of opinion that the omission was really serious.

His second function is to declare and explain to the jury the law relating to the case. Here he is omnipotent so far as his own Court is concerned; he declares the law as the Pope declares matters of faith, and the jury are bound to accept his ruling whatever their

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private convictions may be. Moreover, it will always be assumed that the jury have so followed his rulings of law. Consequently any misdirection on this point is considered of the greatest importance by the Court of Criminal Appeal, and if it is established, the conviction will be set aside unless it is clear that from the facts of the case it could have had no effect on the verdict.

Thirdly, he is entitled, though not bound, to comment on the evidence, and even to express his private opinion on the inferences he would draw from it. But here he is no longer speaking as a superior whose word is law, he is merely talking to the jury as man to man, and though the jury may quite properly give weight to the opinion which he expresses, it is for them, and for them alone, finally to decide on the matter.

It was in this last capacity that Mr. Justice Darling seemed to indicate, though he did not state it in so many words, that in his opinion there was a reasonable doubt as to whether the evidence definitely established the prisoner's guilt. This opinion was entitled to weigh with the jury, and probably did so, but they were entitled and bound to form their own opinion, and this they did by returning their verdict of guilty. Whether they were right or wrong cannot now be said. We may read the evidence, but we have not seen the witnesses, and in judging of the weight to be attached to evidence the English Courts have always, most rightly, held that the opinion of those who have themselves heard and seen the witnesses must prevail. This verdict was necessarily followed by the only sentence the law permits; but it is to be observed in passing that sentence Mr. Justice Darling abstained from using the usual phrases expressing his personal concurrence with the verdict.

The case then went to the Court of Criminal Appeal, and without hearing counsel for the Crown the judges held that the verdict must stand. This decision was undoubtedly right. There was ample evidence before the jury to justify a conviction, though this evidence was contradicted by that of other witnesses, and in such cases it is for the jury, and for the jury alone, to decide. Even if every member of the Court had been of opinion that he personally would have acquitted the prisoner (and possibly such opinion might be inferred from their judgment), the Court must yet have upheld the conviction, unless they were of opinion that the verdict was so perverse that no reasonable jury would have given it.

But there is another tribunal known to the English constitution—the King himself. The Sovereign has always had inherent power to pardon, or to remit or diminish punishment. The prerogative is now exercised by the Home Secretary, and a petition for the

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reprieve of the sentence on Morrison was accordingly presented to him. Mr. Winston Churchill, who then occupied this office, decided to exercise the power of mercy, and the death sentence was commuted to one of penal servitude for life.

This decision led to much adverse criticism. The leader-writer, and the man who fills the correspondence columns had a full opportunity of indulging in that cheap and usually fallacious logic so dear to a portion of the reading public. If there was no doubt of Morrison's guilt he should have been hanged, if there was any possible doubt he should have been acquitted—in either case the decision of the Home Secretary was wrong. The fallacy of this argument lies in the assumption that a prisoner must be acquitted if there is "any possible doubt" of his guilt. Were this the criterion a conviction could hardly ever result. A man might be found standing over a murdered body with a bloody knife in his hand and the property of the victim in his pockets, and yet it would be humanly possible that another man had committed the murder, and that the person so found had come to the spot since and merely plundered the body. And yet in such a case a jury would, in the absence of other evidence, convict—and rightly so, because the prosecution had discharged their burden, they had proved beyond "all reasonable doubt" that the prisoner was the guilty man.

That is the true criterion—does the evidence offered prove beyond "all reasonable doubt" that the prisoner is guilty? In English law the sole tribunal to judge of the "reasonableness" of any doubt suggested by the defence is the jury, and (unless their verdict is held to be perverse) it is final on this point and binds all higher Courts.

But the Home Secretary in exercising his prerogative of mercy is not necessarily bound by the strict rules that bind the Courts, though naturally they have great weight with him. Here apparently he felt that there was no ground to hold that the jury were wrong in saying that on the evidence offered there was no reasonable doubt of the prisoner's guilt. Consequently the conviction was allowed to stand. But at the same time he seems to have felt, as many readers undoubtedly will, that, in a case where there were so many circumstances unexplained, there was a "possible" doubt, and a chance that evidence might turn up later which would affect the case.* Once a death sentence is executed there can be no pardon, no reparation. So he chose to let the prisoner live so that

* Doubtless the expression used by Mr. Justice Darling both in summing up and in passing sentence, and also the form of the judgment of the Court of Criminal Appeal influenced the Home Secretary towards granting a reprieve.—Ed.

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if it were shown that a mistake had occurred, the greatest miscarriage of justice might be avoided.

And it seemed as if this expectation of further evidence would be justified. On the very day that Morrison was reprieved an English lady, Mrs. R., who was residing in Paris, overheard a remarkable conversation between two foreigners on a tramcar there to the effect that the murder had been committed, not by Morrison, but by one "Gort" or "Cort," but that the speaker preferred that Morrison should suffer rather than their comrade should run any risk. Although Mrs. R. noted the hotel to which these men went and immediately communicated with the prisoner's solicitors, the French authorities failed to find or identify the men.

This evidence cannot be brushed aside as the result of imagination stimulated by too great interest in the case, since Mrs. R. (whose declaration is given in full in the appendix) had not even read the reports of the trial, though, of course, she had seen Morrison's name in the English papers. Further, although the French police could not find the men she had heard speaking, or identify "Gort," they recognised certain of the other names as those of members of an international gang well known to the police.

Later in 1912 a further attempt was made to obtain a revision of the sentence in view of the statement made by a woman (who may be called Mrs. X., as it is not advisable to give the names of the persons still alive) who was living in Whitechapel at the time of the murder. This woman made a declaration to the solicitors for the defence in which she stated that on the night of the murder X. had gone out at about 11 o'clock and had not appeared again for three days. When he came home at the end of that time his shirt was covered with blood. He explained this by saying that he had been fighting, but when Mrs. X. suggested sending the shirt to the laundry he tore it up and burnt it on the fire. He then threatened Mrs. X. that he would kill her if she ever spoke to any one of the blood on the shirt, and these threats were repeated on many occasions. X. became very agitated when he heard of Morrison's arrest, sent a friend out to see if the news were true, and kept in the house for several days afterwards. He was also heard on several occasions to exclaim "There is nothing like a Jewboy for keeping his mouth shut."

This declaration was laid before the authorities as showing that X., and not Steinie Morrison, was the probable murderer, but its effect was wholly altered by a further declaration that Mrs. X. made direct to the authorities. In this further declaration she stated that Steinie Morrison had brought Leon Beron to see X.

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shortly before the date of the murder, and that the three had then gone out together, and further, that on the night of the 31st December, Morrison had called for X. at 11 o'clock, that they had gone out together, and that X. had not come home again for three days.

So far from exculpating Morrison, this evidence tended to show that he and X. were accomplices in the murder. It was always the theory of the prosecution that two men had been engaged in the murder, and the evidence of the cabman Castlin showed that Morrison had met the second man at Kennington Church and driven off with him. The further evidence above referred to would tend to show that X. was this second man, and that both he and Morrison were concerned in the crime.

Later there was a rumour (which proved to be false) that two men who had been arrested in Boston, U.S.A., had admitted their knowledge of the true criminal, and again statements were made—in some cases on oath—to the effect that witnesses for the prosecution had admitted that they had given false evidence. Each of these supposed clues were followed up by Messrs. Claude Lumley & Co., who, together with the prisoner's counsel, Mr. Abinger, worked unsparingly to obtain their client's release, but no tangible evidence tending to shake the verdict could be obtained.

Morrison himself never ceased to protest his innocence. A morose and at times a savage prisoner, he is said to have petitioned four times that the original sentence of death be carried out. An interesting account of his life at Dartmoor by the prison chaplain has recently appeared in the *World's Pictorial News*, and contains the following statement made by the prisoner:—

“ The man who killed Beron is no doubt a man who is exactly my double, but about four inches shorter. He met me in the East End of London one afternoon. He stopped me with a look of astonishment on his face and said, ‘Who the hell are you?’ I said to him, jokingly, ‘It is singular that there should be two such good looking men.’ He replied, ‘You may be damned sorry for it one day.’ He then told me he was associated with some foreign secret society and asked me if I knew anything about them. I said, ‘No, and I don't want to.’ ”

Morrison also told the chaplain that the money he had on him was the proceeds of another crime, and on leaving the prison on his transfer to Parkhurst he said, “I committed a burglary that night at a certain bank in North London, and the money I had on me was the proceeds.”

Neither of these statements carries conviction. A resemblance

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such as Morrison speaks of might have led to a mistake in identification by the cabmen, who were not well acquainted with Morrison, but it is almost impossible to conceive that it would have misled the witnesses, who swore that they saw Morrison and Beron together during the evening at the eating-house. With regard to the second statement it may be remarked that no such burglary took place on the night in question. Incidentally this statement gives the go-by to the most important evidence for the defence, namely, that given by the prisoner and others that he went to bed at midnight and did not go out again that night.

Whatever his character may have been in civil life, Morrison proved himself a violent and intractable prisoner. The first part of his sentence showed many records of punishment for violence, but after he was removed to Parkhurst he gave way to despair, and sought his release by death. Self-starvation was the only available means and this he took, not at once by a single long abstinence, but by a series of fasts which wore down even his magnificent physique, till finally, on 24th January, 1921, he passed away in Parkhurst Prison Infirmary.

With Morrison's death there ends that personal interest in the case which was shared by the prisoner and by those who worked so strenuously to obtain his release. But a wider and more lasting interest remains. No one arouses greater sympathy than a prisoner believed to be innocent, nothing causes greater discomfort to the public conscience than a suspicion that a conviction has involved a miscarriage of justice. And undoubtedly, such a suspicion has been felt by many with regard to the Clapham Common murder.

Cases of mistaken identity are known to occur in fact as well as in fiction, and some of the important witnesses for the prosecution saw the murderer under circumstances where such a mistake would have been possible. But if the reader will consider the story of that New Year's night step by step—starting from the restaurant where Morrison was well known and observation easy, passing by the later hours in the Whitechapel Road and ending in the dead of night round Clapham Common—and compare Morrison's story with that told by the host of witnesses for the prosecution, he will, I think, understand how strong the case for the prosecution really was. The subsequent evidence here referred to (with the single exception of that of Mrs. R.) and the statements since made by Morrison tend to strengthen rather than weaken that case.

History shows such extraordinary instances of mistaken identity that this possibility can never be wholly eliminated, unless

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the prisoner confesses or is arrested *flagrante delicto*. It is therefore a risk that any system of justice must face, while employing every means to minimise its probability. But even more important than the question of whether a particular conviction was in fact right is that of whether the system and conduct of the trial was scrupulously fair, and judged by this test the present case throws no slur on British Justice.

LEADING DATES.

1911.

- 1st January. Murder of Leon Beron. Disappearance of Morrison.
6th ,, Reward offered to cabmen.
8th ,, Arrest of Morrison.
9th ,, Morrison identified by Castlin.
17th ,, Morrison identified by Hayman and Stephens.
6th March. Trial of Morrison.
15th ,, Verdict and Sentence.
23rd ,, Morrison's Appeal dismissed.
12th April. Morrison reprieved.

1921.

- 24th January. Death of Morrison.



THE TRIAL

WITHIN THE

CENTRAL CRIMINAL COURT,
OLD BAILEY, LONDON,

MONDAY, 6TH MARCH, 1911.

Judge—

MR. JUSTICE DARLING.

Counsel for the Crown—

MR. R. D. MUIR.

MR. LEYCESTER.

MR. INGLEBY ODDIE.

Counsel for the Prisoner, Steinie Morrison—

MR. E. ABINGER.

MR. MACGREGOR.

MR. ROLAND OLIVER.



First Day—Monday, 6th March, 1911.

The CLERK OF THE COURT—Steinie Morrison, you are indicted for, and also stand charged on the coroner's inquisition with, the wilful murder of Leon Beron. Are you guilty or not guilty?

STEINIE MORRISON—My lord, if I was standing before the Almighty I could give but one answer. I am not guilty.

(A jury was then sworn.)

The CLERK OF THE COURT—Gentlemen of the jury, Steinie Morrison is indicted for, and also stands charged on the coroner's inquisition with, the wilful murder of Leon Beron. To this indictment and inquisition he has pleaded not guilty, and it is your duty to inquire whether he is guilty or not.

Opening Statement for the Crown.

Mr. MUIR, in opening the case for the Crown, said the inquiry on which the jury was about to embark was one as to the murder of a man whose body was found on Clapham Common on the morning of last New Year's Day. A police constable going his rounds found the dead body of a man concealed in a clump of bushes on the common. The police surgeon was summoned about nine o'clock, and his opinion was that the dead man had been murdered about six hours previously—that would be some time about three o'clock in the morning. The dead man had been killed by blows on the head from an instrument resembling a crowbar or a "jemmy," with which the skull had been smashed. Eight blows in all were struck, two over the right eye, being the first blows, and the remainder were evidently inflicted while the man was lying unconscious on the ground.

It would be clearly shown that the man was murdered on the footpath, and the body then dragged face downwards into a clump of bushes eight to ten yards away. The body was then robbed, because only one halfpenny was found upon it, and having been robbed, it was stabbed three times in the chest, these stabs given after the man was dead, as were also seven cuts upon the face. Two of these cuts were somewhat symmetrical in shape. What was intended by them was not clear, but, according to the medical view, they were made after death.

The body was afterwards identified as that of Leon Beron, aged forty-seven, a Russian by birth, who had spent all his life in France until the year 1894, when he came to London, and lived in

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the East End from that date. At the time of his death the man was in receipt of the rents of nine houses in the East End of London, and lived in a very poor way, spending his days for the most part at a restaurant kept by a man named Snellwar. The restaurant-keeper was in the habit of giving the deceased gold in exchange for silver, which was doubtless the proceeds of the rents from his houses.

In this way the restaurant-keeper had frequent opportunity of seeing how much money Beron carried about him, and stated that it usually amounted to £20 or £30 in gold, carried in a wash-leather bag fastened into an inner pocket of the waistcoat with a safety pin. There was no secrecy about Beron's habits, and any one frequenting the restaurant could easily learn that he carried a considerable amount of money in his pockets.

In addition to the money, Beron carried a valuable gold watch and chain, to which was attached a £5 gold piece. Both the watch and chain were of unusual value for a man in Beron's position, and were worth £30 or £40, so that he usually had in his possession money and easily convertible valuables to the amount of from £50 to £70.

So far as the evidence showed, the murdered man had no business or other connection with Clapham or its neighbourhood where his body was found, and the evidence would show that some pretext was used by means of which he had been induced to go there in order that he might be murdered and robbed, and that the person who murdered him was no stranger to the district. Whoever murdered Beron could not afford to run any risk at all of having him alive after the robbery, because had he been left alive he could have told who took him there and who was with him at the time he was assaulted and robbed. So that although the first two blows were sufficient to kill the man, six others were struck, and after he was dead and robbed he was stabbed three times in the chest with a knife having a blade at least five inches long. No risk was taken by the man who robbed Beron of leaving him alive.

At the restaurant which Beron used the prisoner was also a frequent visitor, and for a fortnight or so before the murder was often seen in the company of Beron, both in the restaurant and outside it. No explanation was forthcoming of this sudden friendship on the part of the prisoner for Beron, a man much older than himself. Their intimacy grew to such an extent that on one occasion the prisoner was seen handling and examining Beron's watch. It was, therefore, perfectly obvious that for some reason or other the accused was seeking the confidence of Beron.

On 31st December last the prisoner and Beron spent the greater part of the day in the restaurant. Between seven and eight o'clock on the evening of that day the prisoner gave a parcel to a waiter in the restaurant, which, in reply to the little daughter of the restaurant-keeper, Morrison said contained a flute, a statement which the

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waiter knew must be false, because, from the weight and feel of the parcel, he judged it to be a bar of iron. It was about two feet long and an inch and a half in diameter. Late at night, about 11.40, when the restaurant was closing, the prisoner claimed his parcel from the waiter, and he and Beron left the restaurant together.

The two men were subsequently seen together at various places in the East End, and identified by persons acquainted with both. At two o'clock on the morning of 1st January a cabman was engaged at the corner of Sidney Street, and told to drive to the Shakespeare Theatre, Clapham. The cabman drove them to the corner of Lavender Gardens, Clapham, where he was paid 5s. by the prisoner. The distance was about six miles, and the journey in a hansom cab occupies at night about thirty-eight minutes. That would bring the prisoner and Beron to Lavender Gardens somewhere about 2.38 on New Year's morning. From the place where the two men left the cab to the spot where Beron's murdered body was afterwards found was about ten minutes' walk, so that they arrived there about 2.48.

From there to Clapham Cross, where there is a cab-rank, would take about eleven minutes. Another cabman named Stephens had identified the prisoner as the man who came up to the cab-rank from the direction of the pavement about ten minutes or a quarter past three. He engaged Stephens' cab, and was driven to opposite the Hanover Arms public-house, near Kennington Church, where he got out of the cab and crossed the road, and went in the direction of Kennington Gate. The cabman walked his horse to the Elephant and Castle, where he arrived at 3.40.

These times left about a quarter of an hour for the commission of the murder and the robbing of the body from the time Beron and the prisoner left the first cab at Lavender Gardens until the time that the prisoner appeared alone and engaged the second cab at Clapham Cross. From the Hanover Arms it was only a few minutes' walk to a taxicab-rank opposite Kennington Church, and a taxicab driver named Castlin had identified the prisoner as a man who, in company with another man, came up to him there and engaged his cab to take them to Finsbury Park. The prisoner had, therefore, been joined at Kennington by another man who went with him to Finsbury Park.

The whole thing had been carefully planned,—the wrapping up of the iron bar in a parcel, the lingering about the East End of London until the time should have elapsed when Clapham Common would be cleared of all passers-by, even on a New Year's morning, and the journey back to Kennington with the proceeds of the robbery, accompanied by murder, to meet the companion who was waiting for the murderer. Among the proceeds were the watch and chain and the £5 piece, three articles which required conversion into another form in order to avoid detection.

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There could be no risk of leaving Leon Beron alive; there could be no risk of being found in the possession of Beron's watch and chain. All had been carefully prepared beforehand. The companion met the prisoner at Kennington Gate, and they drove off together.

Who committed this murder on Clapham Common, at the other side of the town from the place where Leon Beron was known? It was no stranger to Clapham Common who planned the robbery and murder. And the prisoner was no stranger to Clapham Common.

Mr. Muir went on to narrate how the prisoner for seven weeks from 21st September had worked as a baker with a Mr. Pithers, who was in business at Lavender Hill, within a stone's throw of where the prisoner and Beron were set down by the cabman, Hayman. Clapham Common was within five minutes' walk of Mr. Pithers' place of business, and the prisoner in his leisure and in his business—for part of the time he delivered bread on a round that actually took him on to the common itself—was perfectly familiar with Clapham Common. He was seen within an hour of Leon Beron's death in company with Leon Beron by people who knew them both, and he was identified by the cabman, Hayman, as being set down with Leon Beron within a quarter of an hour of the murder.

It was a singular thing that from shortly before midnight on New Year's Eve the prisoner, who was daily and almost hourly in Snellwar's restaurant in company with Beron, was never seen there again, except for a few brief seconds about ten o'clock on New Year's Day, when he put his head inside the door, glanced round, and went away again without speaking to any one, and never came back again.

For a week the newspapers of the metropolis were full of this murder, and the man who had been Leon Beron's daily companion made no inquiry, and gave no information. He never spoke to Beron's brothers, never went near the restaurant; he might have been dead so far as the people acquainted with Leon Beron were concerned. After glancing into the restaurant on New Year's morning, the prisoner went to the cloakroom at the station at St. Mary's, Whitechapel, and in the cloakroom there deposited a loaded revolver and forty cartridges, done up in a parcel, in the name of Bandmann. The man who committed the Clapham Common murder must have anticipated arrest, and it would not do for him to be found in possession of a revolver, and so it was deposited at the cloakroom in a false name.

On 23rd December the prisoner pawned a watch and chain for £4 10s., evidently being in need of money, yet on 1st January he bought a gold chain for £1 18s. 7d., and was on that day in possession of a paper bag containing gold money, and at least two £5 notes. He cashed a cheque for £4 for a man named Isaac Flitterman, and gave Flitterman's daughter, Eva, a present of £2, and still had gold in the bag and the £5 notes. Where did that money come from? When the prisoner was arrested on 8th January by Inspector

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Wensley and taken to the police station, before any charge was made against him of any kind, he said to the officer, "This is the biggest mistake you have ever made in your lives. I have no doubt you have made many mistakes, but this is the biggest."

About an hour and a half afterwards he wanted to make a statement to Inspector Ward; but that officer sent for Inspector Wensley, to whom the prisoner said, "You have charged me with murder." At that time no charge of any kind had been preferred against the prisoner. The inspector replied, "I have done nothing of the kind." Later the prisoner repeated his statement to Inspector Ward. Where did the idea of a charge of murder come from? The prisoner must have brought that charge out of his own inner consciousness. He knew what he was arrested for, and what he was likely to be charged with. Although no accusation had then been made against him, he himself suggested that the charge against him was one of murder. When actually charged, the prisoner's reply was, "All I have to say is, it is a lie."

Mr. Muir then narrated how on the shirt and collar the prisoner was wearing when arrested bloodstains were found, though no explanation was forthcoming why he should be wearing that shirt a week after the murder. He had plenty of clean linen at his lodgings in York Road. When the blood spots were pointed out to him by Inspector Ward, Morrison said they were mud spots, but the analysis would show that they were blood, and that the larger one on the cuff was human blood. It would be suggested to the jury that these blood spots fell upon the prisoner's clothing when he was raining blows upon the head of Leon Beron as he lay upon the ground.

These were the facts of the case which the jury would have to consider. The central facts were that the prisoner was the constant companion of the murdered man almost up to the moment of his death. He had to pawn his watch and chain on 23rd December, but was flush of money on 1st January, the day of the murder. He disappeared that day from the places where he was known; he was silent—absolutely silent—about the murder, and made no inquiries and gave no information either to the police or the relatives of Leon Beron during the week which elapsed between the murder and the arrest. His movements on the night of the murder had been traced for all but one half-hour, and in that half-hour Leon Beron was murdered. These were the central facts of the case, which did not in the least depend on such things as bloodstains.

Evidence for the Prosecution.

DAVID DAVIS, examined by Mr. LEYCESTER—I am police constable 545, of the W Division. I prepared exhibit No. 1A, which is a plan of Clapham Common and the roads adjoining it. On the morning of 1st January I went to Clapham Common. Going along the

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David Davis

path which leads from Lavender Gardens towards the bandstand there was pointed out to me a spot where there was blood upon the ground. It was just between the fountain and the straight path diagonal to the stand, called Bishop's Walk, about half-way. I saw the blood there myself. I put a cross with a red pencil on exhibit No. 1A, showing where I saw the blood. The body was not still there when I visited the common. There was blood at that spot upon the asphalt pathway and on the gravel, and from that there was a mark upon the ground leading into the bushes—two marks, as if a toe or a heel had been drawn along. The marks ran parallel in a semi-circle from the path to where the body lay. I have made an enlarged plan, exhibit No. 2, showing the way in which that trail went into the bushes. I have marked the lamps on a copy of exhibit 1A. Between those lamps and the spot where I saw the blood there was a wood—bushes and big scrub. The light from those lamps would not reach anything lying upon the ground inside those bushes. I have also made a plan of the immediate neighbourhood of Kennington Gate, exhibit 17. That plan shows the Hanover Arms, the cab-rank by the side of Kennington Church, and also Claylands Road. I prepared exhibit 16, which is a plan of Gardner's Corner, Whitechapel, and the roads in that neighbourhood. That shows upon the left Osborn Street, with No. 32 marked, and on the right Jubilee Street, with No. 133 marked (where Beron lived), and next to it Sidney Street, and then a turning out of Sidney Street, Newark Street, with No. 91 marked (where the accused lived).

Cross-examined by Mr. ABINGER—Were you also asked to prepare a plan of Clapham Cross?—No, not Clapham Cross; it is shown on the large map.

Does that plan show how Clapham Cross is lighted?—No, I have not marked the lamps on.

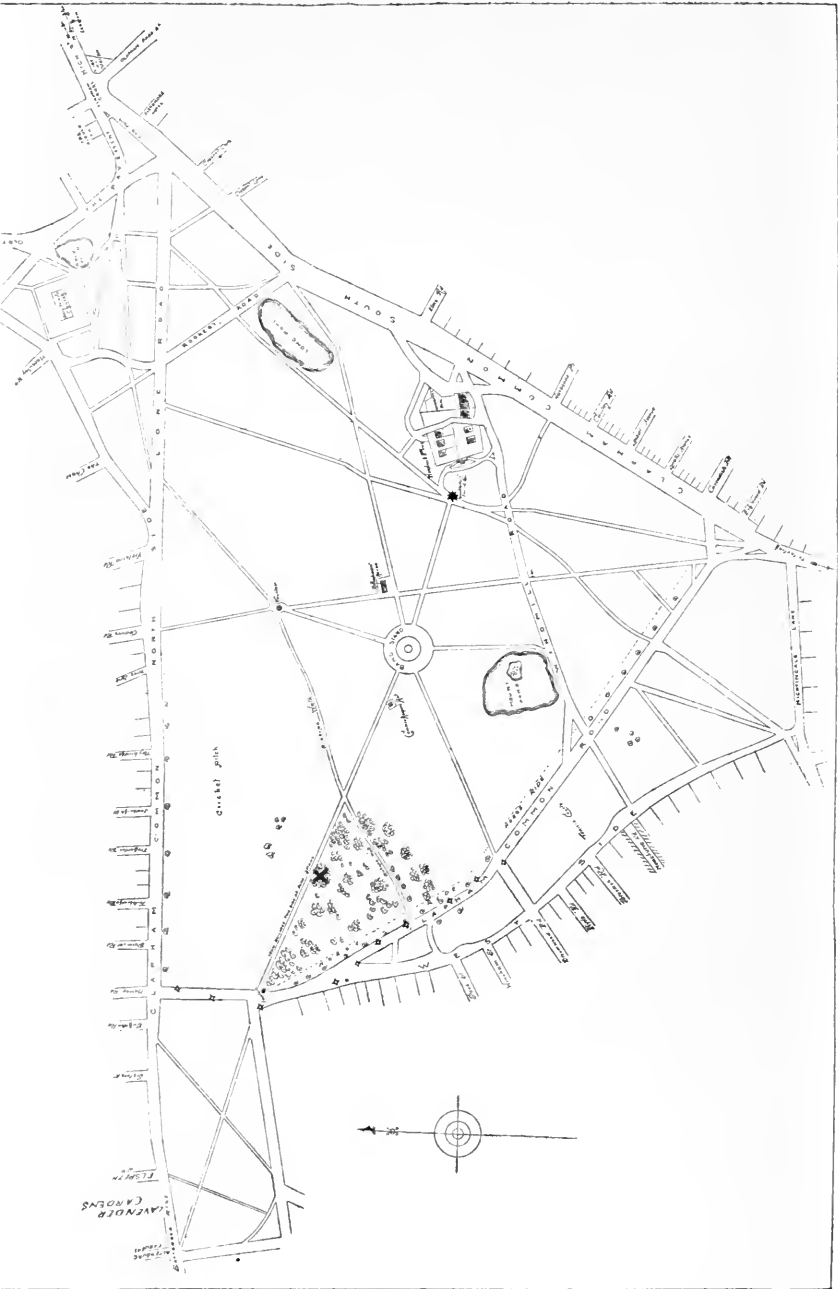
How far is the South-Western Police Court from the spot where the body was found?—I have not measured it, but I will give you a rough guess—600 yards; between 500 and 600 yards.

Just one other question, Just take exhibit 13 (handed) and mark upon it or indicate to us the directions of a public-house known as the Horns? (The witness did so.) Will you tell us whereabouts the Horns lies?—Towards London, towards the Elephant and Castle.

Is the Horns in the Kennington Park Road?—Yes, on the corner—Westminster Bridge Road.

A person alighting at Kennington Church and wishing to go to the Horns would continue to walk along Kennington Park Road?—Towards London, yes.

JOSEPH MUMFORD, examined by Mr. LEYCESTER—I am a police constable of the W Division. At ten minutes past eight on the morning of 1st January I was on duty on Clapham Common, and I was passing along the footpath which leads from the bandstand



Plan of Clapham Common. (Exhibit No. 1a.)

The cross, printed in red, indicates where the body was found.

Evidence for Prosecution.

Joseph Mumford

towards Lavender Gardens. The path is marked on the plan, exhibit No. 1A. Close to the path I found the dead body of a man lying among some bushes, close to the red cross on the plan. I raised his left hand and it dropped again, leaving the body in the same position as it was when I found it. I sent for assistance, and other police officers and a divisional sergeant came to the spot.

Cross-examined by Mr. ABINGER—The pathway is asphalt, is it not?—Yes.

What was the soil where you found the body?—Mould.

Did you see any footprints?—Yes.

Did you take an impression of them?—No.

How many impressions of feet did you see on that mould?—I could not say.

Was there blood on the asphalt?—There was some on the asphalt.

A pool?—No; there was a pool at the side of the railings, and on the gravel.

The railings are on the other side of the path, away from the bushes, are they not?—Yes, that is right.

Then was there a trail of blood from the railings across the path?—Yes.

Was the greatcoat folded?—Yes, buttoned; the second button from the top.

What was the head reclining on?—It was lying on the astrakhan collar of his coat.

Do you mean the collar of the coat had been pulled up?—Yes, up to just about the base of the skull.

What was the head reclining upon?—A few dry leaves.

Were the legs crossed or not?—Crossed.

How were the arms?—The left arm was lying exposed.

Naturally?—Yes, by the side of the body.

And the right arm?—It was under the side of the hip. The bare hand was covered over by his coat.

By Mr. JUSTICE DARLING—Was the body lying on its side, or face, or back?—Flat on its back.

Cross-examination continued—Did you see the hat?—Yes; it was about 12 feet from the head, in the southern direction.

That would take you across the asphalt path, would it not?—No.

Was the hat lying on the mould in the bushes?—It was lying just above the body.

Further into the plantation or nearer the asphalt?—A little farther in the plantation—in the bushes.

How deep is the plantation?—Do you mean the depth of the bushes?

From the asphalt to the horse drive—there is a horse drive the other side, is there not?—About 450 yards.

The clump of bushes is about 450 yards deep?—No; the depth of the bushes would be about 8 feet.

Steinie Morrison.

Joseph Mumford

I want you to try and explain. If you saw the hat lying about 12 feet away, then it could not have been in the clump of bushes?—No, the hat was not in the clump of bushes. It was lying outside the bushes.

Not on the asphalt?—No.

On the mould?—On the mould.

Did you examine the hat?—No, I did not interfere with the hat.

Was there blood upon the greatcoat?—There was some on the left side of his neck—on the collar of the coat.

Were there astrakhan cuffs?—No.

There was blood on the neck. Did you notice blood anywhere else?—On the sleeves.

Anywhere else?—I cannot remember just now.

Was there blood upon the man's face?—Yes.

On his hands?—I could not say.

Was there a collection of blood on the mould?—Yes.

Near the head of the body, or which part of the body?—Near the head.

Was there anything on the deceased man's head?—A black silk handkerchief, with some red marks about it.

Red stripes?—Yes. It was crossed right over the scalp of his head, laid right over the crown of his head and tucked into the top of his coat.

That would conceal the face, would it not?—It would conceal his hair just down the side of his face. (Handkerchief put in and marked exhibit 36.)

By Mr. JUSTICE DARLING—The handkerchief hid both sides of the face, but not the front of the face.

Cross-examination continued—Let the hat be produced. I see it is unbroken?—It was unbroken.

There was a handkerchief, was there not, somewhere near the man's face?—Yes. (Exhibit No. 38.)

By Mr. JUSTICE DARLING—Is that the one you see in the photograph (exhibit No. 19) underneath his hip?—It was lying on his left hand side.

Cross-examination continued—Was there a walking-stick?—I did not see any walking-stick.

Or a pipe?—Yes, I saw a pipe, after it had been handed to the police. I recognise the pipe now shown me as the pipe.

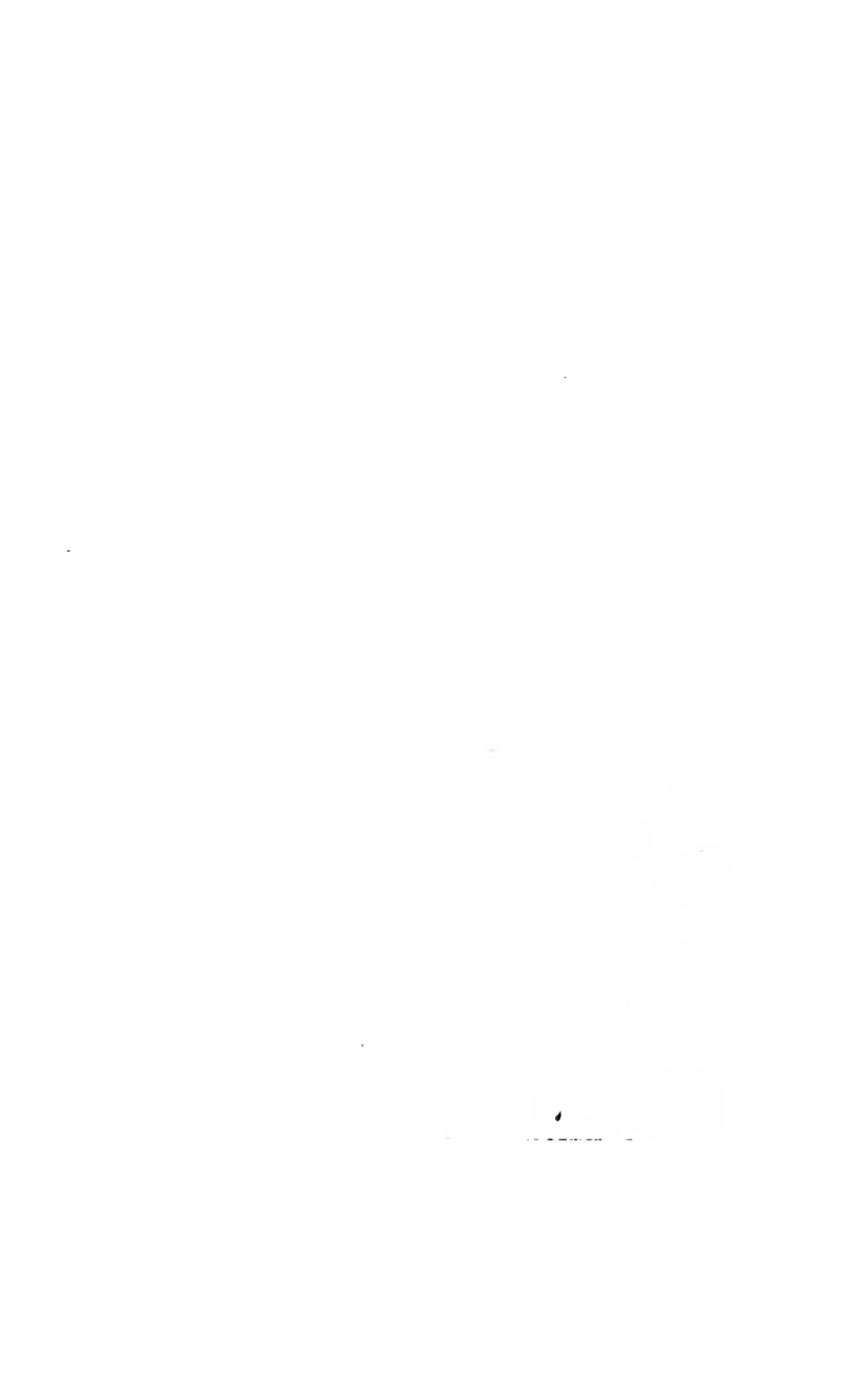
You did not find it yourself?—No.

The face was all covered with dirt, was it not?—Yes.

Could you see the cuts on the face?—Yes, on the day of the inquest I saw the cuts.

You could not see them on the day you found the body?—No.

Just look at exhibit No. 8A. That is a photograph of the dead body with a hat on. You say you saw the body on the day of the inquest. That was 5th January, was it not?—Yes.





Photograph of the murdered man.

Evidence for Prosecution.

Joseph Mumford

Now, will you look at exhibits 13 and 13A? Did you look at the face at the inquest?—Yes.

And did you see on the left cheek and on the right cheek a cut resembling the letter "S"?—Yes, I saw the cut down the face from the eye to the mouth. (The witness pointed out the cut he referred to.)

JOHN BOUSTEAD, examined by Mr. LEYCESTER—I am a detective at New Scotland Yard, and I am engaged there in taking photographs. On the morning of 1st January I was called to Clapham Common, and I saw there the dead body of a man lying among some bushes. Before it was moved I took a photograph of it just as it lay (exhibit No. 18). That photograph, from the other side of the railings, shows the body at a distance from the bushes. Exhibit 19 is a photograph taken by me from a spot closer to the body. After the body had been removed to the mortuary I took photographs of it while it was held up in an erect position. Exhibit 8 consists of three different photographs of the body in three different positions. Exhibit 8A is an enlarged copy of one of these photographs.

Cross-examined by Mr. ABINGER—Will you look at exhibits 13 and 13A (handed). Did you take those photographs?—This is a copy I have taken.

You took the copies, but you did not take the originals?—Yes.

To whom did you supply the copies?—Inspector Ward.

Are they touched up?—There was nothing done on the photograph—not while I was doing them.

Inspector Ward is the officer in charge of the case?—Yes.

Mr. JUSTICE DARLING—I want to understand this. I do not want to ask anything embarrassing, of course, but I do not appreciate the point of this.

Mr. ABINGER—If I may say so, in a sense, the point is this: a part of the defence will be that the motive of the awful injuries was not robbery, but vengeance.

(To Witness)—Who asked you to take the copies?—Inspector Ward.

It was at Inspector Ward's request that you took copies of the photographs which he supplied you with?—Yes.

What time did you get to Clapham Common?—About 11.30 in the morning.

Was it wet or dry?—It was raining just a little.

FREDERICK FREYBERGER, examined by Mr. LEYCESTER—I am a pathologist. On 3rd January I made a post-mortem examination on the body of Leon Beron, at the Battersea mortuary. I found a number of injuries upon the body. I observed on the head a series of wounds; four were scalp wounds, and five were on the forehead. The first wound that I observed was level with the right

Steinie Morrison.

Frederick Freyberger

ear. It began three inches behind it. It was horizontal, jagged, and contused, and pierced the whole thickness of the scalp for an inch or so. The second wound began three and a half inches above the right ear. It was slightly curved, contused, and penetrated the whole thickness of the scalp, and was 5 inches long, and ended an inch and a half to the left of the middle line of the head. The third began one inch above the beginning of wound No. 2, and it had a right-angled course. The longer branch was an inch and a half long, and the shorter one half an inch long, running from right to left. The fourth wound was to the left of the middle line of the head, in ideal continuation of wound No. 3. It consisted of two contused wounds parallel to one another, each two inches long, united near the middle line by a transverse wound 1 inch long. The intervening strip of scalp was almost completely divided into two pieces by a short transverse wound half an inch from the end of the strip. This intervening piece of scalp was completely detached from the underlying skull membrane, and was perfectly freely movable. These were the wounds in the scalp.

On the forehead I observed five wounds, the first of which was a double wound. Above the right eyebrow there was a double contused scalp wound arranged in the shape of a horseshoe, the point of union between the two was one and a half inches above the right eyebrow, the two inner branches ending one inch above the nasal end of the right eyebrow. The strip of skin between these two wounds was two inches long, and completely detached from the underlying skull membrane. One inch above the root of the nose there began a straight cut through half the thickness of the scalp, ending a quarter of an inch to the left of the inner margin of the socket of the left eye. This wound was an inch and a quarter in length. Then an inch and a quarter above the middle of the left eyebrow, and ending three-quarters of an inch above the lower end of the previously described wound, there was a star-shaped wound composed of three legs, which pierced the whole thickness of the scalp and ran down to the frontal bone. Then the left ear was torn through horizontally about one inch from the top. The edges of the wound in the skin were sharp, but those of the gristle were irregular and jagged.

Could all these wounds which you have described up to now have been inflicted by the same kind of instrument?—In my opinion, they were inflicted by the same kind of instrument, a blunt metallic instrument, which need not be heavy. If it were not heavy, it would have to be used with great force.

On the face I found a series of cuts. Five of the cuts were on the right side, and two upon the left side of the face. On the right side of the face the first cut began half an inch below the inner angle of the right eye, and ended three-quarters of an inch above the right angle of the mouth. That cut ran through

Evidence for Prosecution.

Frederick Freyberger

the outer layer of the skin only. The next cut began close to the lower attachment of the wing of the right nostril. It had a slanting cross from above to the right down, and to the left. It measured seven-eighths of an inch in length, and was lost among the hairs of the moustache. Then a quarter of an inch above and to the right of the right angle of the mouth there was a superficial cut $2\frac{1}{2}$ inches long, the first half-inch barely penetrating the outer layer of the skin. After an interruption caused by the intervening moustache, the cut was continued across the lower lip and ended at the top of the chin, increasing in depth from above downwards. One-sixteenth of an inch to the right of the top of the cut just now described there was a second small curved and somewhat deeper cut nine-eighths of an inch long, ending over the lower margin of the right half of the jaw. On the left cheek, starting almost from an identical place as that cut No. 1 on the right cheek there was a superficial cut taking a symmetrical course with cut No. 1, two and a quarter inches in length, ending like the cut No. 1 a quarter of an inch above the left angle of the mouth. Half an inch to the left of the upper end of the last described cut there was a superficial cut three inches long, convexed towards the left ear, ending a quarter of an inch to the left, and at a level with the left angle of the mouth.

Those were all the cuts that I observed upon the face. Apart from the cuts, there were injuries to the lips. The right half of the upper and lower lips was bruised internally opposite the teeth, but the teeth were not loosened.

With regard to the cuts, what would have caused those?—The cuts were, in my opinion, caused with a knife.

And the injuries to the mouth?—The injuries to the mouth, in my opinion, may have been caused by the deceased falling. On the back of the left hand, over the third metacarpal or finger-base bone, and at right angles to its course, there was a dark brown leathery chaff on the outer skin, five-eighths of an inch long and three-sixteenths of an inch wide. There was also a cut on the left forearm parallel with the left elbow, through the outer skin.

How would those injuries be caused?—By the deceased falling.

On the body, did you find three stabs?—Yes. The first stab was situated on the left side of the chest, between the sixth and seventh ribs, two and a half inches to the left of the middle line. That stab wound was five-eighths of an inch long, and it gaped to the extent of a quarter of an inch. The outer angle was three-eighths of an inch lower than the inner angle. The wound penetrated through the whole thickness of the chest wall, and the direction was one towards the abdominal cavity, straight down. It was continued on to the front of the stomach, where the outer and middle coats were cut, but the mucous or inner lining membrane had not been injured. The second stab was two inches below the first stab, on the left side of the chest. Its course was perfectly parallel with

Steinie Morrison.

Frederick Freyberger

the former, and the length and the amount of gaping the same. It went through the whole thickness of the chest wall, or, rather, the abdominal wall, but it had not touched any of the internal organs. On the right side of the chest, exactly half-way between the levels of the first and second stab, there was a stab nine-sixteenths of an inch long, perfectly parallel with the other two stabs as to its direction, which penetrated the first wall and went into the liver, where the cut was seven-sixteenths of an inch long and an inch and a half deep.

Could all those three wounds have been inflicted by the same kind of instrument?—Yes.

What kind of instrument would be required?—In my opinion, they were inflicted with a knife. From the depth of the wound and the thickness of the chest wall, and, taking into consideration the clothing, the blade must have been at least five inches long and half an inch broad at least.

Could you form any opinion whether they were inflicted during life or after death?—I came to the conclusion that the stabs were inflicted after death.

By Mr. JUSTICE DARLING—What made you think so?—In the first instance, the sharp character of the edges which were not everted and rounded off and suffused, and the fact that there was only a small quantity of blood found in the abdominal cavity, which would not have been the case if these wounds, especially that in the liver, had been inflicted during life.

When you say “inflicted after death,” could you judge within how short a time after death?—It would be impossible to fix the time accurately, but very shortly after death, because there was a little blood diffused, but the quantity was very small.

Examination continued—From the course which these wounds took in the body, I came to the conclusion that the body was lying on its back when these wounds were inflicted.

I examined the contents of the stomach. There was a smell of alcohol about them. From the fact that the contents of the stomach were about two-thirds digested, I formed the conclusion that death took place between three and four hours after the last meal.

I then examined the skull, and I found it to be extensively fractured and splintered. At the horse-shoe shaped wound I found that there were two parallel cracks for the whole thickness of the frontal bone, corresponding in length and direction with the course of the double wound.

What, in your opinion, was the cause of death?—In my opinion, the cause of death was concussion of the brain and fracture of the skull caused by blows. In my opinion, the wound first inflicted was the double wound on the right side of the forehead, which I have described as being horse-shoe shape. That in itself would be sufficient to cause death. The blows there would immediately cause un-

Evidence for Prosecution.

Frederick Freyberger

consciousness, and death would rapidly supervene. The person who received such a blow would immediately sink to the ground. The other blows on the head must have been inflicted after he was on the ground. In my opinion, there were eight blows inflicted upon the head, the first two causing the horse-shoe shaped wound. Blood would come from them on to the instrument by which they were inflicted, and I should think that if the instrument was being raised so as to repeat the blows, there would be sufficient blood on the instrument to run down to the end and then drop off. It might in that way drop upon the hand or the arm of the person who was using the instrument, and it might also drop down upon his collar.

The stabs were caused by a knife or a similar cutting instrument. In my opinion, it is very likely that it was an instrument with one complete cutting edge running up one side, and a partial cutting edge running up the other side some distance from the point. From the appearance of the wounds and the position of the wounds on the head, I should think the blows were inflicted in rapid succession.

Cross-examined by Mr. ABINGER—What is the sum total of the blows and cuts?—Seven cuts on the face, three stabs, and eight wounds on the head, eighteen in all.

One while the man was erect and seventeen while on the ground?—The first two blows were struck in very rapid succession.

Sixteen while on the ground and two while he was erect?—Yes.

Was maniacal force used?—I should not say maniacal force.

Will you look, please, at exhibit 13, which is a photograph of what you call the horse-shoe shaped wound. Look at the top of that wound. You see it forms something in the shape of an arc, a part of a circle?—It appears like that there, but that is due to the contraction of the skin after death.

Do you tell us that that was a perfectly straight blow?—It is not perfectly straight. It could not be perfectly straight, because it was a blow upon a curved underlying boney surface, so that it would naturally have a slight curve in its course.

That has a considerable curve?—Yes, I should say that is due to the fact that the edges of the wound were contracting. This photograph was taken on the third day after the death, and the scalp contracts.

On what do you base your opinion that this was the result of two blows?—I say there were two blows, because there were two parallel cracks in the skull, each of them corresponding with one of the branches of the wound.

Would not one blow with the sharp edge of a hammer have inflicted that class of injury?—No, one blow would not.

Why not?—Because there are two blows.

Oh, yes, but why could you not get the double wound with an instrument, say, the sharp edge of a hammer?—I cannot see how

Steinie Morrison.

Frederick Freyberger

it could have been inflicted with the sharp edge of a hammer. The sharp edge of a hammer would pierce the bone.

Was the bone not pierced here?—No, the bone was cracked.

Do you draw a distinction between “pierced” and “cracked”?
—Oh, yes, there is a great distinction between pierced and cracked.

Could you crack a bone without piercing it?—Yes, the crack pierces the bone, not the instrument which causes the crack.

Would you expect the instrument which inflicted that injury to have an angle?—The instrument may have had angles, but it need not have had angles.

In your opinion, what is the probability—that it had an angle or that it had not?—I cannot give any definite answer as to that, because the injury may have been inflicted with an angled or a non-angled metallic instrument.

By Mr. JUSTICE DARLING—Did you ever see a burglar’s jemmy?
—Yes.

Could that do it?—Yes.

Cross-examination continued—The cuts on the face were all superficial?—All superficial.

Not dangerous to life?—They were inflicted after death.

I know, but I am not asking you that. They were superficial cuts?—Superficial cuts.

Not deep enough to do serious mischief?—Not deep enough to cause serious mischief.

Done, I suggest to you, for the purpose of mutilating?—I have formed no opinion as to why these cuts were made; I can express no opinion upon it.

Did you form an opinion, having regard to the terrific character of the wounds on the head and the stabs on the body, why these wounds on the face were inflicted?—No, I did not.

Were there two symmetrical wounds on each cheek, resembling the letter “S”?—There were two symmetrical cuts, one on each cheek.

Resembling the letter “S”?—Resembling something like what I describe as “an open S-shaped cut.”

By Mr. JUSTICE DARLING—Are they shown well in the photograph?
—No, they do not come out well in the photograph.

Cross-examination continued—Were they any more distinct on the face of the dead man as you saw them than in any of those photographs?—Yes, they were. When this photograph was taken, it was taken soon after the death, and the muscles of the face were drawn. The face was more flat when this photograph was taken. It was taken three days after death, and the muscles of the face had relaxed, *rigor mortis* passing off, consequently the fulness of the cheek being more or less restored, the curve becomes more or less pronounced.

Did you form an opinion whether these two symmetrical, identical

Evidence for Prosecution.

Frederick Freyberger

cuts had been deliberately traced on that face?—I have formed no opinion about that.

Am I correct in saying they are both symmetrical and identical?—They were symmetrical images of each other as far as it was possible.

You told us that the contents of the stomach smelt strongly of alcohol?—Yes.

Does the process of absorption go on after death, or does it stop instantaneously with the extinction of life?—The process of absorption may go on after death, but the process of digestion does not go on after death.

When you told us that you found the food two-thirds digested, you did not suggest what food, because I suppose food varies in time to digest?—Yes. There was some meat; I remember meat and bread.

Just stop there for a moment. Pork is the most indigestible meat, is it not?—Yes, I should think it would be.

We can eliminate pork, as Beron was a Jew?—Yes.

Suppose the man had had a light supper of tea or coffee and cake, and things of that class, how long would that take to disintegrate?—Cake would suffuse in fluid pretty rapidly, in an hour or two.

Cannot you give it a little nearer than that?—No, it is impossible.

Mutton?—I should say that, if mutton remained in the body for three or four hours, it would probably have been in the same state as I found the pieces of meat that were in the stomach.

How long would mutton take to digest?—I do not know. It depends upon the individual's digestion. There is no fixed rule.

Is there not a table showing roughly the duration of the digestions or assimilations of the various foods?—I should think those tables of digestions are chiefly digestions in test tubes, and not in human stomachs. It depends upon the individual. It is impossible to fix any definite number of minutes or hours.

Supposing this man had had his last meal shortly before twelve o'clock, some very light refreshment, say, tea and cake, do you tell the jury that you would only expect to find that two-thirds of it was digested at 9 o'clock the next morning?—That would mean to say that the man had lived until nine o'clock in the morning before he died?

No, if he had been alive?—The stomach would have been empty by nine o'clock in the morning surely.

When do you say that would be digested?—I could not tell.

Not approximately?—Not approximately.

It would digest much more rapidly than a meat supper?—It would digest much more rapidly than a meat supper.

Within an hour or two?—Most of the contents would probably pass out within two hours, but if he had any whisky, or that kind of fluid, in the stomach they would remain longer in it.

Steinie Morrison.

Frederick Freyberger

If the food was two-thirds digested (we know the man was found dead at nine o'clock in the morning), what period do you put complete digestion at?—I cannot tell you. I had not seen the deceased before he died.

Then it amounts to this, that you are making an honest guess at it?—From the experience I have had of persons who died a certain number of hours after their last meal, I judge the condition of the remains of the meal in that man's stomach similar to that I have found in other persons whose hours of death I knew.

Irrespective of what their last meal consisted of?—Practically irrespective of what their last meal consisted of.

Did you form any opinion as to whether this was the work of one or two?—I have formed no opinion as to that.

You are quite satisfied that there were two weapons?—I am quite satisfied that the wounds inflicted upon the head were different from the wounds upon the face and the stab wounds.

Are you satisfied that the instrument which inflicted the stabs was the same instrument which inflicted the mutilation of the face?—I should say yes.

Were there corresponding stabs through the greatcoat?—Yes.

Three stabs in the greatcoat?—I remember two distinct stabs in the greatcoat, but the third stab might have gone through the opening of the coat or buttonhole; I do not know. I saw two distinct stabs on the left-hand side of the coat, I think.

You see that the prisoner is a tall man?—Yes.

It follows from what you have told us that a man of the height of the prisoner inflicting these stabs and sixteen other wounds on a man after he had fallen must have stooped?—Yes.

Knelt or stooped?—I do not know. I have not examined the prisoner closely. I cannot answer the question.

A large quantity of blood would naturally escape from his scalp wounds?—No.

No blood?—No, because death intervened, and after death the wounds cease bleeding. Later on they start bleeding again, but that is more in the manner of oozing than of spurting out.

I thought you said to my learned friend that the weapon which inflicted these wounds was dripping with blood. That is during life, you know?—Yes.

So that there might be a quantity of blood?—From those two wounds, yes.

We have heard from other witnesses that there was a pool of blood?—I have not seen the blood. I have not been there, and I cannot answer.

Would the stabs spurt?—No.

They would if the blows were inflicted during life?—If the blows were inflicted during life there would have been a fair amount of bleeding.

Evidence for Prosecution.

Frederick Freyberger

Are you prepared to tell us during what period after death the blows were inflicted?—I could not say, but they were inflicted very soon after death.

What do you call a short interval?—I could not say in this case.

A second?—No, I could not bind myself down to any number of seconds.

Under a minute?—No, I could not say that. I said a short time after death.

I have a particular reason for asking you to tell me within what period of time?—A short time after; I do not know how long.

What period would elapse between the unconsciousness which you said would be the result of the horse-shoe shaped blow and death?—A short time, considering the amount of bruising on the brain and the fracture of the skull. I should say the period of time elapsing between the blows on the forehead and death was a short one.

It might be a few seconds, it might be a minute, and it might be two minutes?—It might be, but I could not give you a precise answer.

I put it to you that the man who committed this act must have been stooping or kneeling over the prostrate body of the man, cutting his face, and during that period there was opportunity for blood to spurt on the man?—I should think by the time that the man was on the ground and these cuts on the face were inflicted it had ceased spurting.

How can you give us that answer if you cannot tell the jury how soon death would supervene?—No, but if a person is rendered unconscious through a blow, bleeding from arteries ceases. There might be a slight oozing up, but there is no spurting of blood once a man is unconscious.

Do you tell us, then, an unconscious man stops bleeding?—And when he comes to he starts bleeding again.

You have had an opportunity of seeing these wounds. How long do you think this operation would have lasted?—What?

The whole transaction?—I could not say, I was not present.

Re-examined by Mr. MUIR—What is the greatest space of time it would take to inflict those injuries?—A few minutes.

JOSEPH NEEDHAM, examined by Mr. MUIR—I am divisional surgeon at Balham. At nine o'clock in the morning of 1st January I went to Clapham Common and saw the dead body of a man lying in some bushes. The body was not lying altogether on its back—it was slightly to its left side, at about an angle of 45 degs. with the earth. The face was uncovered. There was a muffler at the top of the head, and on both sides of the face over the ears. The greatcoat was pulled up over the back of the head, and the muffler was higher than the collar. I examined the head, and I found a number of severe wounds upon it. Only the second button of the overcoat was fastened, and

Steinie Morrison.

Joseph Needham

that was immediately beneath the chin. On the front of the coat there was some blood and mud. There was a quantity of soil adhering to the toes of the boots. There was mud on the back of both hands. From those marks of mud I formed the opinion that the man had been dragged to the position in which he lay by the back of his collar, face downwards. That would place the collar and the muffler in the position in which I saw them. I followed these tracks where he had been dragged to the asphalt path. I opened the clothes as he lay there on the ground, and I tested the warmth of his body, and formed the opinion that he had been dead about six hours. That would take it back to three o'clock. I was present when Dr. Freyberger made his post-mortem examination, and I have been in Court to-day while he has given evidence. I agree with that evidence.

Cross-examined by Mr. ABINGER—I want to ask you a question or two about these facial marks. Did you say at the inquest, and do you agree, that the symmetrical cuts on the face were extraordinarily like two “S’s”?—Yes, that is so. I think I described them rather as being like the “f” holes of the violin, on each side of the strings.

Do you know Russian?—No.

Did you say they could not be produced accidentally?—Yes, undoubtedly.

And is that your opinion?—Yes, still.

By Mr. JUSTICE DARLING—You think that the body was seized by the back of the coat and dragged along on the ground on its face?—Yes.

Could the marks have been caused by the face passing over some rough things on the ground?—No. It would be impossible, because the nose would be in contact with the ground. There must have been some very projecting material to have inflicted wounds—symmetrical wounds—on the two sides of the face at the same time.

Cross-examination continued—They were cuts, were they not?—Yes.

Cuts with a knife?—Yes.

Superficial cuts?—Yes.

How deep?—Just through the outer skin.

As regards the blood, was there blood on the back of the left hand and cuff?—There was very little on the right cuff, but a great deal on the left.

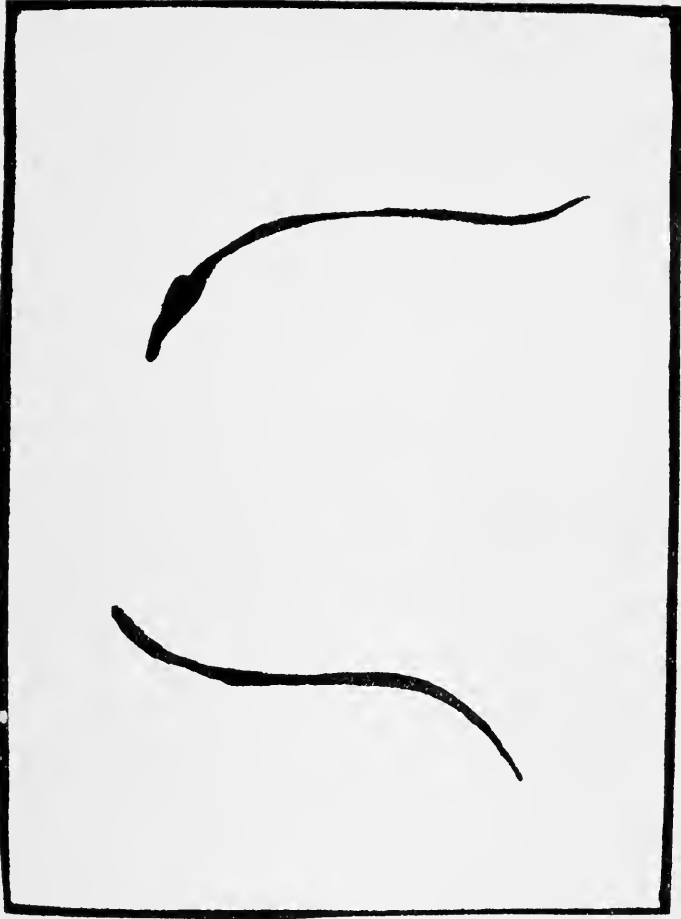
Was there blood on the knees of the trousers?—Yes, it was mud and blood mixed.

Was there blood on the greatcoat (now produced)?—Yes.

A quantity?—Yes. There was blood on the sleeves and down on the left sleeve (indicating).

Any on the collar?—Yes, there is blood on the collar.

Is there much or little?—A fair amount.



Lines drawn over a photograph of the dead body of Leon Beron,

Showing the shape of the lines, said to be "S's," cut by a knife on the murdered man's face. The rest of the photograph has been obliterated.

Evidence for Prosecution.

Joseph Needham

How many stabs were there through the coat?—I have not examined the coat. Looking at it now, I can only find one on the right side.

What did you say in the Court below, dealing with these facial injuries?—I thought it was extraordinary that any one should have stopped to inflict such wounds.

They were not dangerous to life?—No.

Did you say that you thought they were some sign?—Yes, I said that at the Coroner's Court.

Do you know the word "spic," which is Russian?—No.

Meaning "false spy"?—No.

Or "spickan," the Polish word for "spy"?—No, at that time I knew nothing about it.

Did you know the word "Sorregio," the Camorra sign?—Not at that time. I have learnt this since. My information is gleaned from the newspapers. It is common property.

Mr. JUSTICE DARLING—We must not have this.

Mr. ABINGER—I was asking him because the witness said that he thought it was a sign, but I will not press it if your lordship thinks not.

(To Witness)—Did you form an opinion whether that wound on the forehead was the result of one or two blows?—Yes, I thought it was two blows.

Why?—Simply because of the direction of the wound upwards and downwards and diverging.

Would the claw end of a hammer produce such a wound?—A hammer would not produce such a wound at all.

I am putting to you the claw end of a hammer?—No.

Would a straight bar have inflicted it?—Yes.

Such as my lord suggested to the jury—a jemmy?—Yes, a jemmy.

By Mr. JUSTICE DARLING—Yes, but that would take two blows?—Yes, certainly.

Cross-examination continued—In your judgment, was the weapon which inflicted that blow an instrument with an angle?—Yes.

Look at the shape of what we call the horse-shoe shaped wound in exhibit 13. Do you see it describes a kind of arc?—Yes.

Can you account for that?—Yes, I think it is caused simply by the rotundity of the cranium.

Did it present that appearance when you first saw the body?—I could not judge, because it was covered with blood and mud—dried.

You did not see the body, I presume, from 1st January to the 5th, the date of the inquest?—No, I saw it at the post-mortem on the 3rd.

Will you tell us whether it presented that curved appearance on that occasion?—It was very similar, I should think, trusting to memory, but I made no special note of it.

Steinie Morrison.

Joseph Needham

Which was the deepest end?—That I cannot quite recollect; the bone was exposed throughout.

Assume that the deceased man had had a meal consisting of tea and cake at half-past eleven o'clock at night, in what time should you expect that to have digested?—In a very short time—possibly an hour or a couple of hours.

Assuming the man had had a pork supper, how long?—Three or four, or four or five hours; it varies very much.

As the food was two-thirds digested, if the man's last meal were at a quarter to twelve or half-past eleven, and of that character, you would have expected to find it totally digested?—By three o'clock in the morning?

Yes?—Not necessarily.

Why?—Because it varies according to the activity of a person's stomach. A stomach may contain food seven days after it has been placed there.

That is abnormal?—Diseased. There was meat in this man's stomach.

What meat?—I could not tell you what meat—muscular fibre.

Can you say, in your judgment, that the last meal that this poor man had consisted partly of meat?—Yes.

Or might that have been his mid-day meal?—That would exclude the question of the physical condition of the stomach.

Might that have been a mid-day meal?—Not if he were in perfect health.

Re-examined by Mr. MUR—There was a mass of partly digested food. I did not go into the details of it. We had not a microscope present. It would be consistent with ham sandwiches. Besides the meat and bread, there was a distinct odour of alcohol.

You spoke of an instrument with an angle. What sort of an angle do you mean?—Very often a coal chisel has an angle; instead of its being cylindrical, it has sides.

By Mr. JUSTICE DARLING—Hexangular or octangular, that kind of thing?—Yes.

Which runs along its length?—Yes, the end of a coal chisel, and I believe the end of a hammer is flattened out like a chisel. You get a sharp angle there that would produce these things we are discussing.

A hexangular bar?—A bar with a chisel-shaped extremity.

SOLOMON BERON, examined by Mr. LEYCESTER—I live now at 133 Jubilee Street. I have no occupation at all. Leon Beron was my brother. He was forty-eight years old, and he lived at 133 Jubilee Street, where I was also living. He was born in Russia. Our family left Russia when he was about a year old, and lived for thirty years in France, and then we came to this country in 1894. Ever since then my brother lived in the East End of London.

Evidence for Prosecution.

Solomon Beron

He did not do any work. He had some house property—nine small houses—in the East End of London, bringing him in about £25 a year, after paying all outgoings. He did not have any banking account; he carried money about with him, and at the time of the crime he had £12. He had a gold watch and chain which he always wore, with a £5 piece on the chain. The watch and chain, together with the £5 piece, were worth about £30, I believe. The pipe which is now shown to me is my brother's pipe. I last saw my brother alive about 10.45 in the evening of Saturday, 31st December, in Fieldgate Street—just that same spot where the accused had been arrested. My brother was standing leaning to the pavement, with his stick in his hand, and just on the same spot where the restaurant was situated. There was nobody with him. I tried to speak to him, but he did not speak to me. On the following day I identified his dead body in the mortuary at Battersea.

Cross-examined by Mr. ABINGER—How many brothers have you alive?—Only one now.

What is his first name?—David.

Whereabouts does he live?—With me.

At 133 Jubilee Street?—Yes.

Where did you live the week preceding the death of your brother?—Rowton House.

That is a common lodging-house?—Yes.

At 6d. a night?—3s. 6d. a week, and 7d. a night.

When did you go to live at 133 Jubilee Street?—After the crime, when my brother was missing.

Did you help your brother with the rent, or did he help you?—My brother had nothing to help me.

Were you doing any work?—No.

What were you doing in December, 1910?—I was doing nothing.

By Mr. JUSTICE DARLING—What did you live on?—From what I have earned in Paris.

You have been living on what you earned in Paris?—Yes.

What were you in Paris?—A *placier*—a traveller for my sister, selling drapery.

When did you leave Paris?—In January last year; twelve months back I am in London.

Had you made enough money in Paris to live on in London?—Yes, and I came just over to try and make an application before your lordship about some solicitors in regard to a trust estate.

Cross-examination continued—Did it take twelve months to come over and make an application?—There is five years already my case is going on.

I do not want to go back so far into your history, Mr. Beron. I am talking about December last year. Do you describe yourself as an independent gentleman?—Yes.

Living in a Rowton House at 6d.—I beg your pardon, 7d.—a

Steinie Morrison.

Solomon Beron

night?—What is that to do with the case? It has nothing to do with the crime. If you ask me independent [impudent?] questions, nothing relating with the crime, I will not answer you.

Did anybody help the deceased man with his rent?—You go and ask him. I cannot tell you. If you ask me silly questions I will give you no answer.

Did any one help your deceased brother to pay his rent?—Yes, my brother David used to pay him 9d.

How much rent a week did your brother Leon pay?—2s. a week. And David paid 9d.?—Yes.

So that was 2s. 9d.?—2s. 9d.

So that your brother, who was carrying the sum of £12, I think you said, on the day of the murder, was allowed 9d. a week by his brother to help him to pay his rent?—Well, that is so.

It is true?—It is true.

How long had David been allowing Leon 9d. a week?—The time that he is living with him.

How long is that?—About fifteen months, I believe. When David used to live with my father, I do not know how they used to manage.

Do you tell us that David and Leon lived together at 133 Jubilee Street?—Yes, yes, I have told you already.

How long did they live together?—Fifteen months. I have told you that already. Since my father has been in a home they lived together.

You, during this period, had no income?—No income.

Did Leon help you?—No, how can he help me?

You were living in a common lodging-house at 6d. or 7d. a night, and your brother, you say, had property, a gold watch and chain, and money in his pocket. Did you ever ask him to help you?—Oh, well, it is no good you go on asking me that. If I spoke to you several times, “No, no, it is not,” you say, “Is not it?” I never received any assistance from my brother.

Did you get your brother to help you?—I cannot ask a man who cannot help me. He had not sufficient for himself to live.

He had a watch?—He had a watch, yes.

Did you ever see it?—Yes.

Was it a cheap one?—Well, I think this watch to buy new cost £25. He paid fourteen guineas second-hand.

When?—Well, I don't know. I was not in London when my brother bought it. I was in Paris then.

How do you know he gave £14 for it?—He told me.

Then he had got a chain?—He had a chain, yes.

Was it gold?—Yes, gold.

Where did he get that?—He bought it.

You tell the jury that he only had 10s. a week, and that somebody had to pay 9d. a week for him. Where did he get the money

Evidence for Prosecution.

Solomon Beron

from?—If you want to know, from 1894 to 1905 he was living with me, and he used never to spend a penny himself. He had some money saved, and with this money he has bought a watch and chain, because, you know, Jewish people like jewellery. They buy jewellery to save money, as you always get it back again.

Is your father alive?—Yes.

Where is he?—In a Jewish home at 105 Nightingale Lane, Wandsworth.

Does that lie to the south of Clapham Common?—Yes.

Was your brother Leon in the habit of going to see his father?—Never.

Did you?—Always since I am in London.

How do you know your brother never went?—I know, because every brother knows how he is related to his father. My brother was not very friendly with my father.

Is this a charitable institution where your father is?—Yes.

Will you go so far as to swear that Leon never went to see his father?—Yes, yes. If you disbelieve me, I shall bring my father.

I do not disbelieve you?—It is nothing to laugh at; it is not a laughing matter; I do not see the joke. You are laughing. I do not see the joke. There is no joke in here to laugh.

What time did you go to bed yourself on 31st December?—When I go to bed was before I met my brother—I go usually this time.

Did you go at ten o'clock then?—I went to bed at 10.45.

You are sure of that hour?—Sure of that hour.

How far is Rowton House from Fieldgate Street?—Well, say, 500 yards, or three-quarters of a mile; that is all.

And you saw your brother at Fieldgate Street at 10.45?—Yes.

Then you went straight to bed?—Yes.

Were you ever with your brother in the evenings—at night?—No, I was not with my brother this evening, I told you.

Can you tell us where he passed his evenings?—If I was not with my brother, I could not tell you where he passed his evening.

Do you know the Anarchist Club, at Jubilee Street?—I do not know.

You know Jubilee Street?—I know Jubilee Street, but I do not know an Anarchist Club.

Do you know it is in the same street as your brother was living?—I know, yes. I have heard of it, that it is an Anarchist Club, but I do not know. I know there is an Anarchist Club there on the same side where my brother's house is situated, but I have never been there, and I do not know.

What work are you doing now?—Nothing.

You look very nicely dressed and comfortable. Where did those clothes come from?—Very well. Do you want to know?

I am dying to know?—I am not going to tell you. If the judge asks me I am going to tell you.

Steinie Morrison.

Solomon Beron

By Mr. JUSTICE DARLING—You must answer the question?—If I must answer the question, you may tell him that I brought over in London about £100, money what I have saved from what I have made in Paris from my business.

Cross-examination continued—You brought over £100 in 1909?—Yes.

Where is it?—In the Bank of England.

You mean you have spent it?—Spent it, yes.

Have you got any of it left now?—I don't know that; I shall have a look.

At any rate, the jury are to understand you are living in London, and you do no work?—Well, I get some property in London; I got an estate.

What, Rowton Buildings?—I got an estate.

You have got an estate?—If my lord would allow my application, I have got an estate. I will prove it to you I have got an estate.

Where does David live now?—With me, I told you.

What does he do?—Nothing. He is doing some little jobs.

What do you mean by "little jobs"?—A jeweller.

Do you know a man named Fritzvar?—I do not know.

Will you swear you did not know him?—I says to you I do not know.

Did you know a man called Peter the Painter?—I do not know—no.

Have you ever met either of these men? Do you remember that you visited the restaurant of Mr. Snelwar?—Yes.

Did you see that photo. of Peter the Painter?—No. Mr. Hermilin will say yes, that you showed a photo., and you have said that the prisoner, the accused man, is perhaps Peter the Painter. You have said that. Is that correct or not?

Mr. JUSTICE DARLING—You must not ask learned counsel questions. Just answer his questions.

The WITNESS—Why should not I ask him questions?

Mr. JUSTICE DARLING—You must not ask him questions, because you are a witness and he is not, that is the reason.

Cross-examination continued—Will you swear that you did not know either of these men?—I do not know.

Do you know a boy named Rosen?—Do you mean the one who has been a witness in the case? Yes, since he has mixed in the affair.

Did you speak to Rosen after he had given evidence at the police court?—Never.

Now, listen; did you say to Rosen if he came to Court and told the truth he would go to prison?—No, never.

And that he would be poisoned or drowned?—I never spoke to him.



Solomon Beron.

Evidence for Prosecution.

Solomon Beron

Do you know Mrs. Deitch?—Only since she came here.

Do you know Mr. Deitch?—Never.

Do you know a boy called Jack Taw?—Only by sight.

Have you spoken to him since you gave evidence at the police court?—Never.

Have you seen Jack Taw in the Warsaw Restaurant, that is Snelwar's restaurant, since?—I do not take any interest in it. It had nothing to do with me in this case. I took no interest in it. If you take any interest, I do not. Do not put me so many questions or I will go out from here.

Have you seen Jack Taw?—I saw him, but I did not speak about this affair.

Where did you see him?—In the restaurant. I saw him in Court—all along. I do not care about it.

Have you been every day to Snelwar's Restaurant?—Yes.

Have you seen Jack Taw there every day?—Some time I see him, some time I not.

What is Jack Taw?—He is a waiter—a kitchen boy.

Always a waiter?—I do not know what he is. Ask him.

Do you say that Taw is always a waiter?—He is not now.

What is he now?—I do not know.

How is he earning a living?—Oh, I could not tell you.

But you meet him every day at this restaurant?—I do not ask him. I do not take any notice of him. It is not my business.

How many hours each day do you pass at Snelwar's Restaurant?—I spend all the time what I got.

What time do you get there?—About one o'clock I goes and I come in. I do not spend all the time there. Oh, it is no good talking.

Where else do you spend your time?—I go nowhere else.

You go nowhere else but Snelwar's Restaurant?—No, nowhere else, only to do my business.

What business?—I go to my solicitors. I cannot see the joke. What are you laughing at?

When did you go to your solicitors last?—Well, it was Friday, I believe.

Where?—In Basinghall.

Unless you are round at the solicitors you are in Snelwar's Restaurant?—Yes.

And Jack Taw as well?—Sometimes I saw him, sometimes I don't. I do not know where he is.

Have you seen Mrs. Deitch in Snelwar's Restaurant?—I have.

Where is your brother David now?—He is in the street. He is trying to earn a shilling.

Re-examined by Mr. MUIR—The club was in Jubilee Street. It is not open now. I believe it is a picture shop now. I never knew the name of the club.

Steinie Morrison.

Alex. Snelwa

ALEX. SNELWAR, examined by Mr. MUIR—I keep a restaurant at No. 32 Osborn Street. I knew a man named Leon Beron; he had used my restaurant for six years, and he was known to my customers as “the landlord.” I used to give him gold in exchange for silver. He kept his money in a wash-leather purse in his great-coat pocket, secured with a safety pin. He always used to keep about £20 or £30 there. I know the accused. I used to see him about two months before the crime—that is in the months of November and December last. He came a lot to my restaurant. I saw him during the last three weeks every day in the company of Leon Beron, for half an hour or sometimes an hour each day. I would see him sometimes about nine o'clock and sometimes ten o'clock at night. I have seen the accused using his right and left hands; he was a left-handed man. He was not always dressed in the same way; he had about two or three new suits during the two months. I saw Leon Beron on the last day of the old year. I used to see him at 2 o'clock, and then I would see him at nine o'clock, when I came down from upstairs. Steinie Morrison was with him at nine o'clock on 31st December. They remained together till a quarter to twelve.

Were they in the restaurant all that time, or in and out?—I have seen him from nine till a quarter to twelve. I do not remember if they were out in the same time, but I find him at a quarter to twelve in the same place, sitting together at a table. They then went out together. Beron wore a big 18-carat gold watch, with a big chain and a £5 piece, and he was wearing that on the last night of last year. I close my house at twelve o'clock. I never saw Leon Beron alive again after that Saturday night, but I saw the accused on the Sunday morning. He walked into the middle of the shop, and then he walked out again, speaking to nobody. This was between eleven and twelve on the Sunday morning. He did not come back again. For two months up to 31st December he had been a regular customer. He had an overcoat on, which I recognise as exhibit 14. I have seen him wearing that overcoat frequently. He was wearing it on the night in question.

Cross-examined by Mr. ABINGER—What is the name of your restaurant?—The Warsaw Restaurant.

What time used Leon Beron to come?—He used to come at two o'clock every day.

And what time did he leave every day?—Twelve o'clock.

All the year round?—All the year round.

What would he be doing during those ten hours?—Well, he was sitting and talking and eating all the time.

How much a day did he spend?—He used to spend 1s. 6d. a day.

Including Sunday?—Every day.

Never more?—No, sometimes less.

What was the smallest amount—1s.?—The smallest amount was 1s. 3d.

Evidence for Prosecution.

Alex. Snelwar

Did he have supper on the night of the 31st December?—Yes.

What did he have?—I have seen him drink a glass of tea; that is all.

What did he eat?—Nothing at all.

What time was that?—Half-past nine.

Can you tell us whether he ever bought any meat at your restaurant after half-past nine?—Yes.

Did he?—He was drinking a glass of tea at half-past nine.

Anything after that?—I do not know; I never see him eat anything.

Were you in the restaurant after half-past nine till closing time?—Yes.

Did you serve him with any supper?—No.

What did he have to eat before he had the glass of tea?—I do not know; I was not in the shop till nine o'clock.

When you are in the shop, who takes the money?—The missus.

How many customers do you, as a rule, have in your restaurant?—Always about twenty or thirty customers.

Did Beron smoke?—Yes.

Did not you say at the Police Court, "He would spend 1s. 3d. to 1s. 6d. at most. He had dinner, tea, and supper. He did not smoke"?—They did not ask me if he smoked or not.

You said so at the police Court?—

Mr. JUSTICE DARLING—Well, but did he?

Mr. ABINGER—"He had dinner, tea, and supper. He did not smoke." I accept it from you if you say it is a slip.

Mr. JUSTICE DARLING—You see, he may be talking of that particular occasion.

Mr. ABINGER—This is the context. "Leon used to sit down and eat and talk to customers. He sat down where he liked. He kept company with different men every day. He would spend 1s. 3d. or 1s. 6d. at most. He had dinner, tea, and supper. He did not smoke." That is at the very commencement of the cross-examination.

(To Witness)—You say he did smoke, do you?—He did not smoke much, because he used to smoke a pipe. He bought tobacco somewhere else.

He did not buy tobacco at your shop?—I do not sell tobacco; I only sell cigars and cigarettes, and he smoked a pipe.

What sort of pipe?—I do not know what you call it.

A meerschaum pipe, or a wood pipe, or a clay pipe, or what?—A clay pipe. I do not know what they call the pipe; it was a white pipe.

Your *clîentele* is principally Russian?—Yes.

Did Beron talk Russian?—No. I always used to hear him talk in French.

And then he would have no one to talk to?—When he used to talk to me he used to talk Yiddish.

Steinie Morrison.

Alex. Snelwar

How long had he continued to attend at your restaurant from two in the afternoon to twelve midnight; was it months, or weeks, or what?—Always—ever since I knew him; five or six years.

Did you ever know him do any work during that period?—No.

Do you know that his income was about 10s. a week?—I know he had nine houses; I do not know his income.

Do you know that his brother Solomon was living at Rowton House at 6d. or 7d. a night?—Yes.

Was he a customer at the Warsaw Restaurant?—Yes.

How many hours would he stop?—The same time. He used to come in sometimes at one o'clock—about twelve or one o'clock—and stop till ten, or a quarter to ten.

Was that every day, or occasionally, or what?—Every day.

By Mr. JUSTICE DARLING—Do these people who come do business in your restaurant?—No. They only come in to eat; that is all.

Do they do business with one another while they are there?—Nothing at all.

Cross-examination continued—What do they talk about—politics?—What they like they talk.

How far is Osborn Street from Jubilee Street?—About fifteen minutes' walk.

If these people come in—you have told us that the deceased man stopped from two o'clock to midnight, and another one from eleven or twelve o'clock till half-past ten—what are they doing if they spend only 1s.?—Sitting talking. They cannot afford to spend any more. I cannot make them go out of the shop if they have not got any money to spend.

Did you employ a waiter named Jack Taw?—I do not employ him now; I used to employ him. He has left a long time, but I give him a job sometimes. He was not working that day in my shop.

I did not ask you about any day. You say you left off employing him. I want you to tell the jury the date?—I am afraid I cannot.

Was it January that you employed him?—No, I only give him a job.

What do you call giving him a job?—Getting him to give a little help.

How much at a time?—A few hours.

How much money did you give him for the little help?—Sometimes 1s., and sometimes 1s. 6d., and sometimes only 6d.

How often?—Sometimes a day or two a month.

When did you last give that boy a job to help you?—I cannot remember that.

Does the boy come into the Warsaw Restaurant still?—Yes.

Was he there yesterday?—Yes.

Does he come in every day?—I do not know what he does.

What does he do there?—He comes in to eat his dinner.

Evidence for Prosecution.

Alex. Snelwar

How long does he stay there at night?—He is in my shop all day long,

After dinner?—Yes.

What is he doing there?—I do not know. He comes in and out. I have got plenty of people, and I cannot look after everybody.

How late does he stay as a rule?—Until twelve o'clock.

How old is this boy?—I think he is about seventeen.

You had a waiter named Joe Mintz?—Yes.

Have you got him still?—No.

Why did he go?—I do not know. He left.

When did he go?—He have not got no job at all.

When did you leave off employing him?—On Thursday 'it will be two weeks.

Why?—He left me, I do not know why.

Did Joe Mintz try to hang himself?—Yes.

Where—in the shop?—Yes.

Did you cut him down?—No.

Who did?—I do not know; I was not at home.

Was that this year or last year?—That would be in summer time.

Was he in the hospital after that?—Yes.

Was he wrong in his head?—I do not know. They took him away to Colney Hatch. He came out about three months ago.

That would be just about Christmas time?—Yes, just about two months before Christmas.

He is still strange in his manner. Did he have a fight in the restaurant just before Christmas?—I cannot tell you that. Perhaps he had a fight, but I did not see it.

Have you heard it?—He had a row.

Perhaps you do not call a row a fight?—I do not call it a fight.

Do you know Mrs. Deitch?—No.

You have never spoken to her?—No.

Do you know a Mr. Deitch?—I do not know him at all.

Do you know Mr. Hermilin?—Yes.

Is he a frequenter of your Warsaw Restaurant?—Yes.

How long has he been going there?—He lives at my place for three years.

Lives upstairs?—Yes.

Do you live there?—Yes. He is on the third floor, and I live on the first.

I put it to you it is Solomon Beron who has been coming to the restaurant every day recently?—Yes.

Jack Taw has been coming to your restaurant every day recently?—Yes.

A man named Jacob Weissberg has been coming to your restaurant every day recently?—No, not every day. He only comes on Saturday, and sometimes a day or two in the week.

Steinie Morrison.

Alex. Snelwar

And a gentleman named Zaltzman?—Yes. He used to come every day.

When has he left off coming every day?—About four weeks ago.

Mr. Zaltzman comes only occasionally, now and then?—Yes, now.

I put it to you that Mr. Solomon Beron, Mr. Jack Taw, Mr. Weissberg, and Mr. Zaltzman have been in the habit of meeting at your shop since this case has been going on, and sitting down at the same table and talking?—They never used to talk together.

They have not sat down together and talked since this case has been proceeding?—They have never talked together; they are not talking together; they are talking, but not together.

What do you mean by that? Whom was Jack Taw talking to?—I do not look after everybody to whom he is talking.

This is a small restaurant?—I cannot look after everybody.

Will you tell us, please, whom you have seen Jack Taw talking to?—Talking to everybody.

Have you not seen him talk to Beron?—Beron don't talk to him.

Have you not seen him talking to Beron?—I used to see him talking, but he don't answer him; he don't want him in his company.

Why not; do they quarrel?—He makes to go away from him.

Have you seen Beron talk to Weissberg?—Yes.

Have you seen Beron talk to Zaltzman?—Yes.

Sitting at the same table together?—Yes.

Frequently?—No; sometimes when they are sitting together they are speaking.

Does David Beron come into your restaurant?—No. He came in once or twice, and now he has stopped coming, about two weeks ago.

That is whilst this case was proceeding at the Police Court?—Yes.

Do you know the London Music Hall—the Shoreditch Empire, I think it is called? How far from your restaurant is it?—I can make it in twenty minutes.

I want you to be sure about this. Do you tell us, or do you not, that on 31st December, between nine and closing time, Leon Beron did not go out of your restaurant?—I cannot tell you that. I have seen him at nine o'clock, and I have seen him at a quarter to twelve, in the shop.

Can you tell us whether he left your restaurant or not?—I cannot tell you. Perhaps he left and I did not see; I find him at nine o'clock, and I find him at a quarter to twelve at the same table.

Can you tell us if Morrison went out?—No.

At what hour do you pledge your oath that you first saw Morrison in the restaurant?—I have seen him at nine o'clock.

Will you swear that he remained in the restaurant from nine until closing time?—I am not going to swear, because I do not know.

Used Morrison to have money?—No.

Evidence for Prosecution.

Alex. Snelwar

Do you suggest that Morrison used to come to that restaurant and stop from two o'clock to midnight?—No.

Morrison used to have his morning meals in that restaurant, and then go out?—Yes.

Do you know that a month or two before Christmas last year he was going about selling cheap jewellery?—I did not know that.

Did you not buy a silver watch from him yourself?—I never bought a watch from him; I only bought a pawn ticket. He had a silver watch and chain to sell. He pawned it, and I bought the ticket and took the watch out of pawn. I paid him 2s. 6d. for the ticket, and 13s. to the pawnbroker for the watch.

Have you seen Morrison with a revolver in your shop?—I have never seen him with a revolver, but I have seen him put it in his hip pocket when he went out.

I put it to you he tried to sell that revolver?—No; I only see him put it in his hip pocket when he went out.

He did that quite openly, walking down the shop?—Yes, near the door; he put it in his pocket.

Do you remember the murder of three constables in Houndsditch on 16th December?—I remember that.

Did you ever hear Mr. Beron, during the last ten hours he was in your restaurant, discuss that?—No.

Do you swear you have never heard any of your customers discuss that in the restaurant?—I swear I never heard Beron talking about it. The customers have all been talking about it, but not Beron.

If Beron was in receipt of 10s. a week, assuming for the moment that he was spending 10s. a week in your restaurant, can you give us any indication how this man you had known so many years was getting this gold that you say he had in his pocket?—Yes. I hear that Beron brought from France £26,000, and he lost it here.

By Mr. JUSTICE DARLING—You said that he used to produce to you silver money, and you used to give him gold for it?—Yes.

How much at a time have you given him in gold?—Only £1 at a time—and he used to collect the rent.

Cross-examination continued—You knew the man five years as coming to your restaurant from two o'clock in the afternoon till midnight, and you did not know anything about his affairs?—No.

Did you ever ask him?—I never asked him. What is the good of me to ask him?

Can you tell us what he had in his pocket on the 31st December?—I cannot tell how much money, but I know he always used to have from £20 to £30.

You do not know at all what he had on the 31st of December?—I do not know, but I know he had money.

Did you see Morrison with gold before 31st December?—Yes. Frequently?—Yes.

Did you ever see Beron with women?—Never.

Steinie Morrison.

Alex. Snelwra

Did you know his father was alive?—I know Beron's father was alive.

Did you know he was living at Nightingale Lane?—I did not know where he was living.

Did Beron ever mention at the restaurant that his father was living in Nightingale Lane?—He lived in a Jewish home; I do not know where it is.

Re-examined by Mr. MUIR—When was it that you had this transaction about a pawn ticket with the prisoner?—That was about three or four weeks before the crime.

Did he produce a pawn ticket to you?—Yes. He told me before, "I do not want to sell the watch and chain," and I said, "Oh, pawn it, and I will buy the ticket." Somebody pawned it and gave 13s. for the watch and chain, and I gave him a half-crown for the ticket.

Mr. JUSTICE DARLING (to the jury)—Would you like to go to the place in Clapham Common where the body was found?

The FOREMAN OF THE JURY—Yes, I think we would.

Mr. JUSTICE DARLING—Then Constable Davis shall go with you, and will simply point out where the body was found.

(Two officers were sworn to take charge of the jury.)

The Court adjourned.

Second Day—Tuesday, 7th March, 1911.

JOE MINTZ, examined by Mr. MUIR—I was a waiter at 32 Osborn Street during the whole of December last. I have been employed at that restaurant for two years—since I have been in London—and during those two years I knew Leon Beron as a customer. He was called “the landlord.” I knew the accused, Steinie Morrison, as a customer from 1st December to 31st December. He used to be a regular customer every day.

Were he and Beron together at all?—About a week before the crime Steinie Morrison makes very good friends with Beron. I saw them together talking every day. On 31st December, after six o'clock, Steinie Morrison came to the restaurant—I was at the counter—and he handed me a parcel which was about 2 feet long and wrapped up in brown paper.

By Mr. JUSTICE DARLING—Why do you say he was very good friends with Beron?—Because I never saw—he was not to anybody so friendly like to Leon Beron the last two weeks before the crime.

Examination continued—The parcel was about 4 or 5 inches round. When he gave me this parcel the little girl, the daughter of my governor, asked him “What is it?” and he said “It is a flute.” He gave me the parcel and said “Keep me this parcel; when I go out I will take it from you.” He handed me the parcel and went to the middle of the shop. Leon Beron was at this time in the shop, and he went with Leon Beron to a separate table and was sitting with him the whole evening at the table—only the two of them—Leon Beron and Steinie Morrison. Between eight and nine o'clock Steinie Morrison called for two glasses of tea with lemon, no milk. He spoke in English to me. I did not serve them with anything after that. About twenty minutes to twelve Steinie Morrison called me up for a glass of lemonade. When he came up to the counter I gave him the lemonade and he asked me for his parcel. Leon Beron was standing with him. He had the lemonade, and I gave him the parcel, and then he went away with Leon Beron. I handled the parcel twice—once when I got it handed to me and once when I handed it back to the accused. It was much too heavy for a flute. It felt like a bar of iron. (Shown exhibit No. 4, a flute found in the possession of the accused.) It was not that parcel. Leon Beron had a gold watch and chain and a £5 piece. I never saw Morrison again after the 31st December. From 1st December to 31st of December he used to be a regular customer, but after 31st December I never saw him again until I saw him in the police station in Leman Street, where they took me to identify him.

Steinie Morrison.

Joe Mintz

Cross-examined by Mr. ABINGER—What is your address?—My address is now 155 Jubilee Street. Previously I lived at Snelwar's Restaurant. On Thursday it will be two weeks since I went to Jubilee Street.

Do you know Solomon Beron?—I know him as a customer in the restaurant.

When did you see him last?—I saw him the last day when I went from the restaurant, and I saw him yesterday in the Court here.

Have you not seen him in Snelwar's Restaurant since the 31st December?—He used to be every day there.

Is Jack Taw a customer?—I know him in the restaurant sometimes as a customer, and sometimes when there is too much work in the governor used to give him a job to help a little. I saw him yesterday in Court.

And before that?—Before that, the last day when I left the restaurant.

Do you know Hermilin?—Yes, I know him. I have not seen him since I left the restaurant till yesterday in the Court.

Was Hermilin friendly with Solomon Beron?—I cannot tell you, because I do not know if somebody is friendly with another man.

Have you seen them chatting together?—I cannot tell you. There are so many customers in the restaurant. They are talking together, but I do not know if they are talking about business or friendly.

Your memory is quite clear that you saw Morrison talking to Beron on the 31st December, but you cannot tell the jury whether you saw Hermilin talking to Solomon Beron?—He used to talk to him every day.

Who used to talk?—Solomon Beron and Hermilin, and so many customers that were talking together.

When Jack Taw was not a waiter but a customer, whom used he to talk to? I cannot tell you. If a customer comes in for his dinner or for his supper, I never notice to whom he is talking. I have no time. It is not my business to do so.

Were you not "looking for your work" on the 31st December?—I noticed them then because they were at a separate table—nobody else—only them two—Leon Beron and Steinie Morrison.

Have you seen Jack Taw speaking to Solomon Beron?—I never saw him speak to Solomon.

You have had a little trouble yourself, have you not?—Is that anything to do with the case, what I had trouble for myself?

Did you try to hang yourself in this restaurant?—I believe it has nothing to do with this case.

Evidence for Prosecution.

Joe Mintz

Is it true?—It is true, but it has got nothing to do with the case. That was nine months ago.

Mr. JUSTICE DARLING—It is true, you say?—Yes, it is true, but it has nothing to do with this case.

It is true that you tried to hang yourself?—Yes, but that was nine months ago.

Cross-examination continued—And did you afterwards go to Colney Hatch Asylum?—Yes, I have been there.

How long for?—Three months, and I was discharged from there on 22nd October.

Was this attempt to hang yourself a single attempt, or have you attempted to do that more than once?—I do not tell you this. That is my business.

I am sorry to have to ask you?—Very well, I am sorry you ask me. It has nothing to do with this case.

Mr. JUSTICE DARLING—I suppose you realise, Mr. Abinger, that suicide is a felony, and that you are asking this man whether he attempted a felony?

Mr. ABINGER—Suicide is a felony, my lord, but he did not succeed.

Mr. JUSTICE DARLING—Yes, but an attempt to commit suicide is an attempt to commit a felony.

Mr. ABINGER—If your lordship thinks that I should not pursue this—

Mr. JUSTICE DARLING—I am not saying that you should not pursue it, only I did not quite know whether you knew what it might lead to. You are cross-examining him on a suggestion that he attempted to commit felony. That is an attack on a witness for the prosecution.

Mr. ABINGER—I am not imputing an offence to the witness at all. A man may be *non compos mentis* when he attempts to commit suicide.

(To Witness)—Have you more than once attempted to commit suicide, to kill yourself?—Only once.

Have you got a good memory?—Yes.

Did you have a fight or a row in the restaurant after you came out of Colney Hatch?—No. It may be that you mean when Steinie Morrison came once in the restaurant. This was in the morning from (*sic*) 31st of December, and he asked for his breakfast. I did not serve him at once and he abused me, but I never answered him for that.

What time did Beron come into the restaurant on the 31st of December?—He come in the afternoon, past two o'clock.

Did he ever leave the restaurant again that evening until he finally went?—I did not notice that; I cannot tell you.

What time did Morrison get to the restaurant?—He was once in

Steinie Morrison.

Joe Mintz

the morning from (*sic*) 31st December, then he came back past six o'clock.

Did he ever leave the restaurant again that night?—I cannot tell you; I did not notice him.

I thought you said that Beron and Morrison sat together all the evening?—When I came up into the shop to the table where they were sitting I saw them sitting together. If they went out for a few moments I cannot tell you. I saw them the whole evening when they came in the evening till twenty to twelve in the midnight. I saw them together sitting at the table.

Whom else did Beron talk to that evening?—Nobody; no one. Only Steinie Morrison and Leon Beron.

Was Solomon Beron there on 31st December?—He was in the afternoon and he was in the evening.

What time in the evening?—I cannot tell you that.

Did Solomon Beron talk to Leon?—I cannot remember if he was talking together this day. I do not see him talking.

Did you know that Solomon and Leon Beron's father lived south of Clapham Common?—No; I do not know this.

How long had you known Solomon Beron?—A year. It may be a month longer, but I cannot tell exactly. I cannot remember when he came the first time in the restaurant.

Cannot you remember whether Morrison ever left the restaurant again that evening after he handed you that parcel?—No, sir; I cannot remember this. There were too much customers there this evening, and I cannot remember.

Where did you put the parcel?—I put it in the cupboard.

Was the counter between Morrison and the cupboard where you put the parcel?—No; I was between him and the cupboard.

Then without walking at all you could put the parcel which you received from Morrison into the cupboard?—No, I must turn round like that. (Illustrating.)

You would have to take one step?—Yes.

The little girl Becky asked what it was?—She was very friendly with him, and she asked what it was, and he answered it was a flute.

I do not want you to tell me exactly, but can you tell me approximately how many people there were in that restaurant when Morrison handed you that parcel?—No; I cannot remember how many people there were in the restaurant. Over the counter there was nobody except me and the little girl when Steinie Morrison came and handed me the parcel.

Where was Leon Beron?—He was in the middle of the shop.

You were not very busy if nobody was near in this restaurant?—There were so much customers, but not by the counter. The counter is not the place for to eat there; it is only for cigarettes and lemonade.

Evidence for Prosecution.

Joe Mintz

Did Morrison hand you this parcel at the counter?—Yes.

He was very fond of that little girl Becky?—He took too much notice of her every day when he used to come to the restaurant.

How old is Becky?—Ten years.

Did he make a pet of her?—He used to play with her every day when he came to the restaurant.

Do they sell joints of meat or meat in the shop?—Yes, meat from joints.

Did Leon Beron have a good supper that night?—No.

He had a glass of tea, is that what you say?—Yes, a glass of tea with lemon.

When he came in?—When he came in he had his dinner. He had soup and meat about two o'clock.

And for tea he had nothing else but a cup of tea?—No.

And nothing to eat with that cup of tea?—No.

You are sure?—I did not serve him.

Was Jack Taw serving as a waiter on that day?—Not that day—31st December.

By Mr. JUSTICE DARLING—Do you sell spirits, or beer, or wine?—No.

Cross-examination continued—Have you seen Steinie Morrison offer a revolver for sale in the restaurant?—No, I have not seen him with a revolver.

Have you seen him offering cheap jewellery for sale?—No.

Have you seen Morrison before 31st December wearing a gold watch?—I saw Steinie Morrison—this was about three weeks before the crime—come up one morning. He had a silver watch and chain. He talked something to the governor, but I do not know what. Then I was called, and he gave me that watch and chain for me to pawn it in a pawn shop. I went to 88 High Street, Whitechapel, and pawned the watch and chain.

Who told you to pawn it?—Steinie Morrison, and I took 12s. for the watch and chain, and I gave him the ticket and the money.

I asked you if you had seen him with a gold watch?—The last couple of days before the crime I saw him; he had a gold watch and chain, but a very small one—a very thin chain.

By Mr. JUSTICE DARLING—Was he wearing it? Had he got it in his waistcoat?—In his waistcoat.

He was wearing it like one wears a watch?—Yes.

Cross-examination continued—Is that the gold watch?—(Handed)—I cannot tell you about the watch because I did not notice the watch, how big it was, but the chain I noticed. The last time this chain had a half sovereign attached to it.

By Mr. JUSTICE DARLING—Is that the chain? (Handed.) Would you know the chain if you saw it?—I cannot tell you exactly. I did not notice it exactly.

Cross-examination continued—Did you see Morrison wearing a

Steinie Morrison.

Joe Mintz

chain with a little coin on it?—I cannot tell you. I saw him with a gold watch and chain a couple of days before the crime, but I did not notice whether it was the same chain or not.

Then you did not notice his watch and chain?—No.

Are you prepared to swear that you only saw it two days before the crime?—A couple of days before the crime. I cannot say two or three. I do not remember it.

Will you swear you had not seen it a week or two before the crime?—I cannot swear that; I do not know when I noticed it the first time. I do not take notice of how a customer is dressed, or what he has got in his possession.

I put it to you that Morrison had been wearing this watch since 30th November?—I cannot tell you. I was not there in November.

The FOREMAN—Two or three of my colleagues wish to know if you would care to test the witness's sense of length. For instance, how long he considers this flute is.

By Mr. JUSTICE DARLING—How long do you think that flute is?—It is more than a foot. I cannot tell you exactly how much it is.

More than a foot, but you cannot say how much more?—No; I know the parcel that what Steinie Morrison handed me was longer than this and heavier than this.

The FOREMAN—Did they send out from his restaurant for any alcoholic drinks to bring to their customers?

By Mr. JUSTICE DARLING—Suppose a customer in the restaurant asks for spirits or beer, would you send out?—No, I have been there two years, and I never go to fetch him a drink or spirits.

Have you never known it done?—No, not that I saw—not the time I have been there.

All the time that Beron, the man who is dead, used to come to the restaurant, did you ever know him take any wine or beer or spirits?—No.

You never knew him bring it in with him?—No, I never saw him.

HENRY HERMILIN, examined by Mr. LEYCESTER—I am a furrier and I live at the restaurant at 32 Osborn Street, where I am every day. I knew Leon Beron for over three years. I used to see him at the restaurant every night. I knew the accused Morrison for two months. I used to see him talking to Leon Beron in the restaurant. Leon Beron had a watch and chain which he always wore. I offered him £13 for the watch only. Both the chain and the watch were 18 carat gold. The watch was a big one, and it weighed 6 ounces altogether—the movement 3 ounces and the gold 3 ounces. Eight days before Christmas the accused took the watch from Beron and said, "It is a very heavy watch." I was sitting opposite to them in the restaurant at the time. I do not know whether Beron told the accused what it was worth.

When I came down from my room between half-past eight and

Evidence for Prosecution.

Henry Hermillin

nine on the night of Saturday, 31st December, I saw the accused and Leon Beron at a corner table. They had tea together. I took the opposite table and asked the waiter to give me a cup of tea as well. There was no one else with them at that time. I saw them go out together a couple of times and then come back. The last time they went out was between half-past eleven and a quarter to twelve. Beron was wearing his watch and chain when he went out. He had an overcoat with an astrakhan collar, and it was not buttoned. I never asked the accused what he was, and he never told me. I did not talk to him. Beron always had money in a small wash-leather purse in his pocket, which was secured with a safety pin. I know he had sometimes £20 and sometimes £30, but I could not tell how much exactly, because I did not ask him.

Cross-examined by Mr. ABINGER—Do you know where he got it from?—He said the money he had got was to pay the mortgage for his houses.

You live upstairs?—Yes.

How many times have you seen Morrison and Beron talk together?—I did not take notice.

Altogether?—Altogether two weeks before the crime he was too much friendly with him. I saw him every night when I came from my work.

You gave evidence at the police court?—Yes.

Was your statement read over to you, and did you sign it?—In the police court I signed it.

Did you say this in examination in chief, “I had known prisoner about two months. He was friendly with Beron for two weeks before he was murdered. I have seen them a couple of times talking together. I did not hear their conversation.” Is that correct—a couple of times?—A couple of times, yes.

That is what you swore and signed?—Yes, the two weeks before the crime he was too friendly with him.

You saw them talking together a couple of times and you thought them too friendly?—Yes; and he went out with him together.

Did you see Morrison’s gold watch?—Yes, I saw it. He had a small chain like this and a gold watch.

How long had you seen him wearing a gold watch?—Leon Beron?

No, Morrison?—I cannot tell you exactly; I did not take notice.

A month or so?—I cannot tell you. I did not take notice how long he had this watch.

When Beron showed Morrison his watch, did Morrison show his watch too?—I did not take notice about this.

How did you come to take notice of the one and not of the other? I suggest that you might have taken notice of the other as well?—I did not take notice that he showed him his watch.

Steinie Morrison.

Henry Hermlin

You cannot remember?—No.

I put it to you that Morrison showed Beron his watch and Beron showed Morrison his watch. Will you swear that did not take place?—I did not take notice that he showed him his watch.

Is that the chain Morrison was wearing?—(Handed)—No; he had a chain like this. (Indicating his own chain.)

Now look at the other chain. Was that the chain he was wearing?—No.

Did you take Beron's chain away and have it weighed?—Yes; not Morrison's chain, only Leon Beron's chain. It weighed $3\frac{1}{2}$ ounces.

You told us to-day that you thought Beron had between £20 or £30 about him generally?—I cannot tell you how much. I know he told me he must have £20 or £30, because he said he had got to pay his mortgage.

When did that occur to you first? You did not say a word about that at the police court?—I cannot say when. I know every time he had in his possession money.

Did you say that at the police court?—What?

That you had seen Beron with money—£20 or £30?—Yes, yes.

You said that at the police court?—Yes.

Look at what you swore at the police court and you will not find it there?—I know he had every time money in his possession.

Did you ever say at the police court that you had ever seen Morrison and Beron go out together before they finally left?—Yes, a couple of times.

I do not want to waste time, but there is not a word of that in the deposition?—A couple of times.

Mr. JUSTICE DARLING—If you say what is in the deposition, or what is not in it, you must put it in.

Mr. ABINGER—That is true, my lord. Unfortunately, we have got to deal with a foreigner. (To witness)—Let me read what you said at the police court—"On 31st December I was at the restaurant at 32 Osborn Street. I live upstairs. I was there in the afternoon. I knew Leon Beron over three years. He often came to the restaurant. I saw him there that night between half-past eight and nine. He took a seat next to prisoner. No one else was at that table. I didn't take notice what they did. They talked together. I didn't hear them say anything. I had seen them together before. I had known prisoner about two months. He was friendly with Beron for two weeks before he was murdered. I have seen them a couple of times talking together. I didn't hear their conversation. Beron wore a watch chain, a double chain, $3\frac{1}{2}$ ounces, 18 carat gold, a £5 piece, 1887. The watch was an English lever. He never told me the value in the presence of prisoner. I saw prisoner with the watch in his hand a week before

Evidence for Prosecution.

Henry Hermilin

Christmas, and he said it was a heavy watch. He came in with another man and asked me and the landlord if we had change for a half sovereign. I didn't notice that Beron said anything about the watch. Prisoner and Beron left between half-past eleven and a quarter to twelve on the night of the 31st December. On 9th January I went to Leman Street police station. I saw some men put up there. I picked out a man—the prisoner. I picked him out as the man who had left the restaurant with the murdered man. Cross-examined—I came in at six in the evening. I live upstairs. I went out at seven and returned at eight, and stopped till it closed at twelve. Beron came in with prisoner between half-past eight and nine, together. Neither of them left that I saw. Beron may have gone out and I may not have noticed. Prisoner went out twice and came back, I can't say exactly what time. It can be half an hour or an hour he was away. I didn't take notice. It can be he went out at a quarter to nine. I can't say how long he was away. Prisoner said he was a diamond merchant. I have never seen him trying to sell cheap jewellery. My business is at Philpot Street workshops, No. 2. I work for Mr. Kotchinsky. I go to the restaurant for my dinner and again at night. Signed, Henry Hermilin." You see you did not say a word about having seen Morrison and Beron go out twice together and return together on that 31st December.

Mr. JUSTICE DARLING—No, but what he did say was this. He said—"Beron came in with prisoner between half-past eight and nine, together. Neither of them left that I saw. Beron may have gone out and my not have noticed. Prisoner went out twice and came back. I cannot say exactly what time; it can be half an hour or an hour he was away; I did not take notice. It can be he went out at a quarter to nine. I cannot say how long he was away."

Cross-examination continued—There is nothing in your depositions about the money—not a word?—What money?

Re-examined by Mr. MUR—I want to ask you one question. You say you saw the prisoner and Leon Beron talking together a couple of times?—Yes.

How many times do you understand a couple of times to be?—It can be ten times; it can be more.

By Mr. JUSTICE DARLING—You are a furrier, and you live regularly over this restaurant?—Yes, I have a separate room in 32 Osborn Street.

And you took your meals there?—Yes.

Was Beron a particular friend of yours?—Yes.

You knew him well?—Yes, over three years; he was a quiet man.

And when was it you saw his watch and had it weighed?—I saw it last year, because I hoped it for myself. He say, "I want to sell my watch."

Steinie Morrison.

Henry Hermlin

And you were thinking of buying it?—Yes, and I offered him £13 for myself.

And that is how you came to see it and have it in your hand?—Yes.

How long had you known Morrison?—Only the last time two months—no more—when he start to come in as a customer in this restaurant—no more.

After he came back, did he appear to you to get very friendly with Beron?—Yes, he did.

He became very friendly with Beron?—Yes, two weeks before the crime he was very friendly.

JACK TAW, examined by Mr. LEYCESTER—I live at M'Carthy's lodging-house, in Thrawl Street. I do not have any regular employment, but I sometimes work as a waiter at Snelwar's restaurant. I was employed there during the week after Christmas. On the evening of the last Saturday in December I left there at eight o'clock, and I went back at eleven. Leon Beron was in the restaurant when I went out at eight. The accused was with him, and they were sitting together at the same table. When I came back at eleven they were still there. They went away together at 11.45.

Did you see any more of them that night?—I saw them at a quarter to two at night, at the coffee stall in Whitechapel Road, at the corner of Church Lane. They were on the opposite side of the road from me, and were walking along towards Mile-End. This is almost opposite Osborn Street.

Have you ever seen the accused with any pistol in the restaurant?—Yes; he showed me a black pistol in the restaurant in December. He did not say anything when he showed it to me. He just took it out of his hip pocket and showed it to me, and then he put it back again. (Shown exhibit 10.) It looked like that pistol. I have seen the accused writing with his left hand.

Cross-examined by Mr. ABINGER—How old are you?—Sixteen. I am going to be seventeen in a few weeks.

How long have you been in England?—Three years.

Where do you come from?—Galicia, Austria.

Who brought you over?—By myself, I came over.

You, a little boy of thirteen, came to London alone?—Yes.

Who took care of you when you got to London—whom did you live with when you got to London?—By myself.

Where did you go to live when you got to London, coming from Galicia?—I lived in Montague Street.

Had you got any money when you came to London?—Yes.

How much?—I forget.

Then did you start earning your own living when you were thirteen?—Yes.

With your father and mother?—No, sir, I have got no father.

Evidence for Prosecution.

Jack Taw

Got a mother?—Yes.

Where?—I do not know where.

Why did you leave Galicia to come to London when you were a little boy like that?—A lot of people goes away.

Then have you been living alone ever since?—Yes.

Where?—Montague Street.

Where are you living now?—Rowton House.

How long have you been living at Rowton House?—Three weeks.

Where were you living before you were living at Rowton House?—M'Carthy's lodging-house.

How long were you at M'Carthy's lodging-house?—Four months.

What used you to be doing at Snelwar's restaurant?—I used to be a waiter there, and sometimes a customer.

What used Snelwar to pay you?—For what job I done he used to pay me—7s. a week.

Do you say Snelwar paid you 7s. a week?—Sometimes.

And other times what?—Other times I did little jobs there.

What do you call "little jobs"?—A day's work, or two days' work.

What would he pay you for that?—1s. 6d. and eating.

How often would you get 1s. 6d. and eating a month?—About four times a month.

When did you last receive 7s. for a whole week at Snelwar's restaurant?—Two years ago.

Are you still going to Snelwar's restaurant?—Yes.

Were you there yesterday?—Yes.

Do you go there every day?—Yes.

As a customer or as a waiter?—Sometimes as a customer and sometimes as a waiter.

Have you had any money from Snelwar as a waiter this month?—Yes.

How much?—2s.

Did you have any last month?—Yes.

What month is this?—What month?

What month is this?—February.

What?—Well, I cannot tell you.

What is the date to-day?—I cannot read; I cannot tell you the date.

What time is it?—Five past twelve. (This was correct.)

What time did you leave the restaurant on the 31st of December?—11.45.

Had you worked as a waiter that day?—Yes.

All day?—No, half a day.

Did you go to the theatre that day?—Yes.

Where?—The Cambridge.

Cambridge Music Hall?—Picture show.

In the evening or in the afternoon?—In the evening.

Steinie Morrison.

Jack Taw

What time?—From nine to eleven.

In which half of the day were you being a waiter?—From the morning till the afternoon.

What did you go back to the restaurant for after you had been to the theatre?—To take some money for the work.

What did you get?—6d.

Is that all the money you took that Saturday night?—Yes.

That just paid for your night's lodging?—Yes.

Having worked as a waiter in the morning, and having gone to the theatre in the evening, and having drawn your week's money or your day's money, did you go to bed?—No.

Were you not tired?—No.

You say you saw Morrison and Beron at a quarter to two in the morning?—Yes.

At Gardiner's Corner?—Yes.

How far is Gardiner's Corner from the Osborn Street restaurant?—Five minutes' walk.

Mr. JUSTICE DARLING—It was not at Gardiner's Corner that he saw them.

Cross-examination continued—Where did you see Morrison and Beron together at a quarter to two?—Opposite Church Lane, at the corner.

How far is that from the Osborn Street restaurant?—Fifty yards.

By Mr. JUSTICE DARLING—Fifty yards from where?—From Osborn Street to the coffee stall.

Cross-examination continued—Where you stand outside this restaurant you can see that corner, can you not?—No.

Do you say fifty yards?—I think so.

Mr. ABINGER—You can see the distance, gentlemen, on the plan.

The FOREMAN—It is about 150 yards.

Mr. JUSTICE DARLING—Not from the corner of Osborn Street to the coffee stall.

Mr. MUIR—No, my lord, from the Osborn Street restaurant.

The FOREMAN—Yes, from the restaurant, I should think it was exactly 150 yards, as near as possible. It scales 450 feet.

Cross-examination continued—At a quarter to two you saw Beron and Morrison at a distance we now know to be 450 feet away from the restaurant?—No, I was next the coffee stall.

By Mr. JUSTICE DARLING—You were at the coffee stall, and they were in the Whitechapel Road, at the opposite corner to you?—Yes.

Cross-examination continued—You saw Morrison and Beron together within 450 feet of the restaurant? Never mind where you were?—Yes.

Then what had you been doing for two hours outside that restaurant?—Standing outside with the boys.

From a quarter to twelve to a quarter to two in the morning?

Evidence for Prosecution.

Jack Taw

—I was inside in the lodging-house. They were playing the piano there.

By Mr. JUSTICE DARLING—Were you playing with the boys?—No, they were playing the piano inside.

You were standing outside?—I was inside and outside of the lodging-house.

Cross-examination continued—M'Carthy's lodging-house?—Yes.

Where is that?—I do not know the street.

Brick Lane is it?—Yes, Brick Lane.

My plan does not show it?—It runs out of Whitechapel Road, to the north from Osborn Street. You go up Osborn Street and turn to the left. Thrawl Street turns out of Brick Lane.

Brick Lane is a continuation of Osborn Street, is it not?—Yes.

Do you tell the jury that there were boys playing about there at a quarter to two in the morning?—

Mr. JUSTICE DARLING—No, he said they were playing music inside.

(To the Witness)—They were playing music in M'Carthy's lodging-house?—Yes.

Cross-examination continued—What music?—A piano they used to play.

Up till the early hours in the morning?—Yes; that was the New Year's Day morning.

That is the reason for your listening to the pianoforte playing in M'Carthy's building. What time did you come out of M'Carthy's building then?—About twenty minutes to two.

Alone?—Alone.

Do you say there is a piano in M'Carthy's building?—Yes.

Did you give evidence before the coroner?—Yes.

What time did you tell the coroner you saw these two men together?—At a quarter to two.

It may be a mistake, but do you swear that you did not tell the coroner you saw them at 1.35 in the street?—At a quarter to two, I told the coroner.

Mr. MUIR—"I saw him Saturday night, on December 31, at quarter to two in the night."

Mr. ABINGER—According to my copy, it is 1.35.

Mr. JUSTICE DARLING—This is what he said—"I left Snelwar's restaurant two weeks ago, and have done nothing since then. I saw Morrison and deceased in the Whitechapel Road, at the corner of Church Lane. Beron had on a coat with fur on; his coat was open; it was a warm night. I was two yards from them. This was at a quarter to two. I was out in the street after 11.44. Morrison used to write with his left hand; he used the knife with his left hand."

(To Witness)—You mean when he ate his food?—Yes.

Mr. ABINGER—I am referring to his evidence in the earlier part of the depositions.

Steinie Morrison.

Jack Taw

Mr. JUSTICE DARLING—"The two men went down from Osborn Street to Whitechapel; they were speaking together. I did not hear what it was. I never saw Beron again. I did not see Morrison again until I saw him at the police station and picked him out. When I saw him in Whitechapel Road he was dressed in a black striped motor coat and a bowler hat. I saw Beron had his watch and a £5 piece on it at 1.45 in the street. Morrison was a left-handed man. I left the restaurant at 11.44."

Mr. ABINGER—I am much obliged to your lordship. In cross-examination he says—"The coffee stall at the corner of Church Lane is fifty yards from the restaurant. It was a quarter to two that I saw Beron with prisoner. I had seen him leave the restaurant at 11.45, two hours after I saw them only fifty yards away. During those two hours I was in Osborn Street, and afterwards at the coffee stall for something to eat. I was in the street looking about for two hours. I could not go home to sleep so early. I was alone. I passed the time by speaking to some boys and men I knew. There are plenty of boys about there. I generally go to bed at ten minutes to two. I go to bed sometimes at twelve, sometimes at one. I know the time by the big clock on the church. There is a clock in the restaurant." (To Witness)—You did not say a word about being in M'Carthy's lodging-house at all, or listening to the piano. You said—"I was in the street looking about for two hours." Now, which of those two accounts is true? Were you in the street looking about for two hours?—Yes.

You do not say a word about being inside listening to the piano?—(No answer.)

Very well. When you saw the revolver, I put it to you that Morrison was trying to sell it to two men. Is that true?—No.

Where was Morrison when he showed it to you?—In the restaurant.

Sitting down?—Standing up.

Who else was there?—A lot of people were there.

Did anybody else besides you see the revolver?—Yes.

Plenty of other people?—Only one little girl.

Do you know the boy Rosen?—No, sir; I used to know him. He used to come to Snelwar's restaurant.

When did you speak to Rosen last?—I do not remember.

Last week?—No.

Since this case has been going on?—No.

You swear that?—Yes.

You have not spoken to Rosen since this case has been going on in the Police Court?—I spoke to him twice.

During the time that the case was going on at the Police Court did you speak to him?—I did not speak to him about the case; I spoke something else to him.

You did speak to him then, but not about the case. Was

Evidence for Prosecution.

Jack Taw

Solomon Beron there when you spoke to him?—I do not know. I did not see him; perhaps he was there, but I did not see.

Where did you see Rosen?—In the restaurant.

Was Solomon Beron in the restaurant at that time?—I do not know; I do not remember.

Did you take Rosen to the police station?—Yes.

Can you remember what date that was?—That day was 2nd January—the day of the Sidney Street fight.

Mr. MUIR—That is 3rd January.

Mr. ABINGER—Sidney Street was surrounded on the 2nd, and the firing was on the 3rd.

By Mr. JUSTICE DARLING—Were you there at the Sidney Street row?—I was there.

When the firing was on?—Yes.

And the soldiers fired?—Yes.

Was that the same day that you took Rosen to the Police Court?—Yes.

Cross-examination continued—Were you called into the Police Court whilst Rosen was giving evidence?—Yes.

Did you say to Rosen if he came to the Police Court and told the truth he would go to prison?—No.

Or would be poisoned?—No.

Did you tell Rosen that he had got to say he had seen prisoner with a revolver?—No.

Did you tell Rosen to say that on that day he saw the prisoner out in the street at half-past one?—I did not say that.

Did Rosen say to you he could not remember the time?—He told me he would like to go to the Police Court and say his evidence that he saw the prisoner on the last night, and he came to the Police Court and he gave evidence there.

By Mr. JUSTICE DARLING—He told you he would like to go to the Police Court to give evidence?—Yes, and he did not know where it was.

Cross-examination continued—Was Solomon Beron present when you say Rosen asked you to take him to the police station?—I do not know.

Did you say to Rosen, "If you come to the police station you will see some pictures"?—No.

Did Rosen call you "Jacobs"?—No.

Or "Jacob"?—No.

Were you called into Court whilst Rosen was giving evidence, and did Rosen point to you as the man he knew as "Jacobs"?—He did not call me "Jacob," he called me "Jack."

Did you tell Rosen that he must go and ask his governor before he could give evidence?—He told me some man told him that he was to go and tell somebody else.

Did you tell Rosen he must go and ask his governor before he gave evidence?—No.

Steinie Morrison.

Jack Taw

Did you say to him, "They will show you some pictures. If you want to write your name in as a witness you can"?—No, I did not say that.

"If not, it is nothing." Did you say that to him?—I did not say that.

Did you say to Rosen that you would write his name down as a witness?—No.

Did Rosen say, "I will go and ask whether I can be a witness," and did you say, "I will write you down as a witness"?—No.

Do you know Mrs. Deitch?—Yes.

How long have you known her?—A few weeks ago I know her properly.

Have you been to Mrs. Deitch's house?—No.

Do you know Mr. Deitch?—I have seen him twice.

Has Solomon Beron ever threatened Rosen whilst you have been there?—He did not speak to him.

Has Mr. Deitch ever threatened Rosen in your presence?—Which Mr. Deitch?

Are there two?—Yes.

You know them both?—Yes.

I am talking of the Mr. Deitch who lives at 401 Commercial Road?—He did not see him.

Never mind if he saw him or not. That is the Mr. Deitch I am talking of?—No.

Where does the other Mr. Deitch live?—Snelwar's restaurant. They call Hermilin "Deutsch."

Which one is it you have seen twice?—He lives in Commercial Street.

When you say you have seen Mr. Deitch twice, do you mean Hermilin or the other one?—The other one.

Not Hermilin?—No.

Let Mr. Hermilin come forward for a moment, please. (Mr. Hermilin did so.) (To the witness)—Is this the man you are talking of?—Yes.

You know him as Mr. Deitch?—They call him "Deutsch."

By Mr. JUSTICE DARLING—When you came over from Austria did you come over all by yourself?—Yes.

Did other Austrians at the same time come over from Galicia?—Yes.

You came to get your living here?—Yes.

And you have been getting your living here ever since?—Very badly.

Have you never been to school?—Night school, my lord.

Here in England?—Yes, my lord.

You have lived all the time down about Whitechapel, have you?—No, my lord; sometimes if I get money I live at a private lodging-house. If I got no money I live in a lodging-house.

How long have you known Morrison?—Two months.

Evidence for Prosecution.

Jacob Weissberg

JACOB WEISSBERG, examined by Mr. LEYCESTER—I am a butcher and am employed by Mr. Cudoc, of Darlby Street, Soho Square. I live at 56 Quaker Street, Spitalfields. I knew the deceased, Beron, for about four years. I also knew the accused. I saw him for about two months in Snelwar's restaurant, where I used to go nearly every evening. I saw Beron and the accused together the last night of the year, 31st December. I had not seen them together before that. I saw them together first on 31st December at half-past eleven in Commercial Street. I was with my friend, Mr. Zaltzman, at the time. I saw them again together at a quarter to one in the morning in Whitechapel Road, at the corner of Black Lion Yard, to the west of the London Hospital. I was with my friend Zaltzman, and we were about 50 yards from the London Hospital. We were going to St. Mary's Street, and the accused and Beron were walking westward, the opposite way.

Cross-examined by Mr. ABINGER—I am a Russian, and I knew both Leon Beron and Solomon Beron.

What were you doing at Mile End on 31st December at this hour?—I walked with my friend Zaltzman.

Where did you meet your friend?—In the restaurant, about six o'clock.

What time did you go to the restaurant?—About six o'clock.

What time did you leave?—Directly.

Then where did you go?—We walked about to the Bank of England, and then afterwards we went to my friend's house in St. Mary's Street, Whitechapel. We went out again about a quarter to seven and walked back to the Bank of England, and then we returned to Bishopsgate. By this time it was about half-past seven.

Was Zaltzman with you all this time?—Yes.

Then what did you do next?—We went to Commercial Street, and had our supper at Snelwar's restaurant.

What time did you get back to Snelwar's restaurant?—At eight o'clock, or a quarter-past eight.

What time did you leave Snelwar's restaurant?—Directly we had our supper—a quarter-past or half-past eight. We then went towards Mile End to Aldgate, and then back again for a walk.

What time was it when you got back to Aldgate?—I cannot tell you exactly the time. Of course, we went there and back all the time.

You walked about all this time with Zaltzman?—Yes.

You were getting rather weary. You had been walking about since six o'clock?—I also met a girl friend and had a conversation with her.

The three of you walked about—you, the girl, and Zaltzman?—Yes.

And so on until a quarter to one in the morning?—Not with the girl; the girl left us about eleven.

Steinie Morrison.

Jacob Weissberg

Then did you go on walking backwards and forwards from Aldgate to Mile End?—Yes.

How many times?—I cannot tell you exactly—five or six, or more.

You would be getting very tired?—Yes, we got very tired.

At what time did you think of returning to Spitalfields, where you lived?—About a quarter to one.

What are you?—A butcher.

Saturday night is a busy time for a butcher?—It is not busy in our shop, because it is a Jewish butcher's shop.

Yes, but the Sabbath goes out in the evening?—The gov'nor opens the shop, but I am not working in the evening.

Do you say that you never work at the butcher's shop on Saturday nights?—No, never.

Are you still employed by Mr. Cudoc at Darlby Street, Soho?—Yes.

Do you know Jack Taw?—I know him.

How do you know him?—Because I have seen him in the restaurant.

At any time before you gave evidence at the Police Court did you see Jack Taw in the restaurant?—I have seen him many times.

Have you asked him about this case in the restaurant?—No. I have mentioned it to some persons, but not to him.

Why not to him?—Because I have not had company with him, because he is a poor chap.

Did you mention it to Solomon Beron?—Sometimes.

And to Hermilin—"Deutsch"?—Sometimes I talked to him.

And to Snelwar?—Also.

And to Rosen?—Who is Rosen? I do not know Rosen.

Do you know when Zaltzman, your friend, went to the police?—I do not know where he is going to.

Did you tell him to go?—I have not told him. I have been at work at the same time when he is going to the police.

When did you give your statement to the police?—I cannot remember the date. I suppose it must have been on 10th February.

Why did you not go to the Police Court until 10th February?—Because I heard that my friend had made a statement, and I thought that one witness that saw him at the same time would be enough.

When did you think that one witness would not be enough?—All the time. My friend told me he went to the station.

By Mr. JUSTICE DARLING—You said you did not go to the police station because you thought one statement would be enough. Zaltzman had made his statement, and later he told you that you had better go to the police. That is what it was, is it not?—Yes.

Cross-examination continued—Then was it Zaltzman who thought it better to have two of you?—I do not know what Zaltzman means

Evidence for Prosecution.

Jacob Weissberg

with it; only Zaltzman said that I should go to the station, that I was wanted, and so I went and made a statement.

Can you tell the time by looking at the clock?—Yes, it is nearly five minutes past one. (This was correct.)

Can Zaltzman?—I do not know whether he can or not.

Re-examined by Mr. MUIR—Zaltzman told me that they had called him to the station where he would make a statement. Then they asked him who had been with him that same night at a quarter to one, and he said, "My friend Jacob." They asked, "Who is Jacob?" and he said, "He is a friend of mine; he lives at 56 Quaker Street." So a gentleman came to me and told me that I was wanted at the station, and I went and made a statement.

ISRAEL ZALTZMAN, examined by Mr. LEYCESTER (through the Court interpreter)—I am a furrier, living at 11 St. Mary's Street, Whitechapel. I knew Leon Beron for about three months. I used to see him at Snelwar's restaurant. I have known the accused for about four months. I have seen Leon Beron and the accused together in the evenings. I saw them together in Commercial Street at half-past seven on the last evening of last year. I was then along with Weissberg. While I was still with Weissberg I saw them again in Whitechapel, next to Black Lion Yard, at a quarter to one. About two months before the murder the accused showed me a revolver in Snelwar's restaurant. I said to him, "I have seen a man like you at the pictures," and I also said, "I am also a good shot." He took the revolver from his hip pocket. I heard of Leon Beron's death on the Monday morning, 2nd January, and I went to the police that day and made a statement.

Cross-examined by Mr. ABINGER—I am a Russian Pole. I do not know what Jack Taw is or where he comes from. Leon Beron was a Russian. He told me that he was a small boy when they moved him to Paris. I have heard that Hermilin is a German. Weissberg is a Russian.

Do you know that Morrison was born in Australia?—No.

What time did you meet Weissberg on 31st December?—Three or 3.30 in the afternoon.

Where did you go?—We walked in Whitechapel, Mile End Road, and Shoreditch.

What time did you get to Shoreditch?—At half-past eight.

Are we to understand that you walked about the streets from half-past three till eight, till you got to Shoreditch?—It was 7.30, and at 7.30 we went to Osborn Street to eat.

When did you leave the restaurant?—About eight o'clock, and then we walked about in Aldgate, there and back to Mile End.

For what time?—Up till a quarter to one in the morning.

Do you say that you were walking about with your friend

Steinie Morrison.

Israel Zaltzman

Weissberg from 3.30 in the afternoon, with the exception of a quarter of an hour, till a quarter to one in the morning?—Yes.

Where did you part with Weissberg?—At the corner of Osborn Street and Whitechapel Road.

At what time?—At a quarter to one.

Where was it that you say you saw Morrison and the deceased man together?—The very last time?

Yes, the last time?—In Whitechapel, next to Black Lion Yard.

How long would it take to walk from Black Lion Yard to the corner of Osborn Street?—One minute.

Did you go to the Bank of England with Weissberg?—Yes.

Did you meet anybody?—I met Morrison and Leon Beron.

Did you meet anybody besides Morrison and Leon Beron?—I have not seen any others.

Think carefully whether you did or did not meet somebody else and walk with somebody else?—From the Mile End into Osborn Street somebody else also walked with us, but I do not know him by his name.

Anybody else besides that man?—Except this man nobody else spoke to us. I do not remember anybody else.

In what direction was Morrison walking with Beron?—Towards the city.

On which side of the road?—The side where Black Lion Yard is.

How do you fix the time?—Because I pointed out at the time, “They are both together again.”

How do you fix the time when you last saw them?—Because I felt very tired, and I thought about retiring, and then I looked at the Whitechapel clock.

What is the time now?—Thirty-one minutes past one. (This was correct.)

Re-examined by Mr. MUIR—Did you have any conversation with any woman that night?

Mr. ABINGER—I object to that question. It is a leading question.

Mr. JUSTICE DARLING—Yes, so it is. I do not think you should ask that, Mr. Muir.

By Mr. MUIR—In what direction were you and Weissberg walking at the time you met Beron and Morrison for the second time, the last time?—We walked from Osborn Street towards Mile End and they walked the opposite way, Mile End towards Aldgate.

Mrs. NELLIE DEITCH, examined by Mr. MUIR—I am the wife of Samuel Deitch, gasfitter, and I live at 401 Commercial Road. I knew Leon Beron for about twelve years. On 31st December my husband and I were at a party at my father-in-law's house, 73 Commercial Street, and we left the house after one o'clock in the morning of 1st January. On our way home we met Leon Beron, between Philpot Street and Bedford Street. The accused was along with

Evidence for Prosecution.

Nellie Deitch

Beron, and they were coming towards us. I had never seen the accused before. When I was about a yard away from the accused I made an observation to my husband. I saw the accused's face and he saw me; we looked at one another. When I passed the remark to my husband about Mr. Beron being his friend the accused turned round to look at me. I heard on the Monday evening that Leon Beron had been found dead on Clapham Common, and I went to the police station that same Monday evening and made a statement.

Cross-examined by Mr. ABINGER—My husband is a gasfitter.

What are you?—What am I? I am a woman, of course.

I can see that, but what is your occupation?—My occupation? That is a fine question to ask me. I am at home in the house—looking after my children—looking after my business. We have a gasfitting shop, and I look after it while my husband does the work outside.

It is a gasfitting shop?—It is.

No other business?—No.

Is it a bicycle repairing shop?—It is all included.

Is the bicycle business yours?—No, it is my husband's; it belongs to the both of us—I am his wife.

Did you say this at the Police Court—"The bicycle business is mine"?—I did not say anything of the kind. I only said I looked after the business while my husband did the outdoor work.

I will read to you what you said at the Police Court—"My husband has been a gasfitter since I knew him twelve years. He had a small repairing bicycle shop. There is a shop window. I attend to that. There are incandescent things in the window. The bicycle business is mine." Was your statement at the Police Court handed to you, and was it read out to you?—I never heard it read out to me that the bicycle business was mine. I know that it belongs to both of us. Before living at 401 Commercial Road I was living at 4 Jubilee Street up till about twelve months ago. We left because we failed in business there.

No other reason?—No other reason. My husband is not here to-day.

Do you know a woman named Lizzie Holmes?—No.

Do you swear that?—I swear that.

You never heard of her?—I know so many people, but I cannot remember what their names are. I do not know any woman by the name of Holmes.

Do you pledge your oath that Lizzie Holmes did not live in your house?—I have no girls living in my house, and never had any girls. If I had, it was a servant girl, that is all. I do not know a woman named Dolly Nevy or a woman named Lena Hall.

Do you pledge your oath that neither Lena Hall, Dolly Nevy, nor Lizzie Holmes has ever lived in your house?—I do not know

Steinie Morrison.

Nellie Deltch

any of the names. I had a servant girl Lizzie; I do not know her surname. She left me about a month ago.

Did you keep a servant in Jubilee Street?—Yes, I have kept servants always, but not under these names; I do not know these names. At one time I lived at 5 Jubilee Street.

Is it true that Lizzie Holmes had a room at 5 Jubilee Street for which she paid 3s. a week?—No. I had a tenant for two rooms, but never a tenant for one room.

Used she to take men in to your knowledge?—No, no such thing.

And did they sleep with her, or stay a short time?—Never such a thing happened.

Did she pay you 3s. for every man that stopped all night?—No, that is an untruth. I do not know anything about it. I had two rooms let to a Jewish tenant, one of my own people—a Mrs. Simmons, with her husband and two children.

It is not true that this woman used to pay you 3s. for every man who slept with her the whole night?—No, I had only one tenant, and I can bring her to prove it.

And 1s. for every man that stayed a short time?—I do not know anything about that; I never heard of such a thing.

Where did you get that fur from?—That is my business.

Tell us, please?—Why should I tell you? You do not think I am as foolish as all that. You insulted me last time, but you will not insult me to-day. You asked me last time where I got my fur from. My husband bought it, what he worked for. I do not ask you where your wife got her fur from.

Is it true that this woman, Lizzie Holmes, followed you from Jubilee Street to Commercial Road?—I had no woman there. I only had a tenant there, who was with me seven months.

Did she have a middle bedroom in Commercial Road?—I have had no bedrooms let out.

And on the same terms on which she lived in your house at Jubilee Street?—Nothing whatever.

I put it to you that you sent for this woman, Lizzie Holmes, about March of last year, to go with a man at your house?—No, I do not know anything about it. I did not do anything of the kind.

And she came, and that you got 10s., 5s. from the man and 5s. from Lizzie Holmes, and the girl got 15s.?—I do not know anything about it.

Do you tell the jury that the story I have put to you is an invention?—It must be.

In the face of what I have put to you, do you pledge your oath that the Lizzie you say you had as a servant is not the Lizzie I am putting to you?—No, Lizzie is a young girl whom I had with me. I can always find her if you want to see her.

Evidence for Prosecution.

Nellie Deitch

Mr. JUSTICE DARLING—Did you say that Lizzie Holmes was here yesterday?

Mr. ABINGER—No, I did not say that. I am told by the solicitor instructing me that her proof was taken a fortnight ago.

Mr. JUSTICE DARLING—I expect her to be here to-morrow morning, when this witness shall be here also.

Cross-examination continued—I knew Beron for twelve years, but I did not know his father, nor do I know anything about him.

Did he never talk to you about his father?—No, never.

And you had known him twelve years?—Yes, but I never knew that he had a father alive. I do not know anything about Solomon Beron; I only knew Mr. Beron by living in my father-in-law's place, Philip Deitch.

Used Beron to visit Philip Deitch?—He used to live in his house with his first wife.

What year?—Twelve years ago, when I was first married I saw him in my father-in-law's house. I was married in Brick Lane, and my father-in-law used to live there some years ago before he moved to 73 Commercial Street. Leon Beron's wife has been dead for some years—I cannot exactly say how long. I do not know whether he married again; I never saw him with a lady after his wife died. He has never been to 5 Jubilee Street; I always used to meet him in Commercial Road. Solomon Beron has never been to my house in Commercial Road or in Jubilee Street, and he has never spoken to me about his father.

Mr. JUSTICE DARLING—I do not want to embarrass you, Mr. Abinger, but I want to follow this case. Would it trouble you to indicate what is the importance about Beron's father?

Mr. ABINGER—My friend in opening this case suggested to the jury that nobody but the prisoner Morrison would be apt to think of a place like Clapham Common, because he was engaged in a baker's shop there. It has been discovered that Beron also must have known Clapham Common, because his father was living on the south border of it, and therefore the deceased man might have gone not un-naturally to Clapham Common.

Cross-examination continued—You were highly indignant, of course, at the murder of a man you had known all these years?—Yes.

And your husband would also be highly indignant?—Well, he has heard about it.

When you saw your old friend on New Year's Eve did you stop and wish him a "Happy New Year"?—Do you mean that at that time of the morning we were going to stop and wish them a happy New Year? We were going home and we met many friends, but we were not going to stop to talk to everybody. We never spoke to them; we just passed them.

Steinie Morrison.

Nellie Deitch

Neither you nor your husband ever said a word to him?—No.

Do you know a woman named Eva Flitterman?—I know her now, but I did not know her before. I got to know her at the South-Western Police Court when I met her there. We spoke each time that we met in Court.

Did you know what that woman Eva Flitterman had come to the Court for?—No, I did not know anything about it, but I know it now. The night in question was dry. We went to the party at 73 Commercial Street between eight and nine o'clock in the evening. It would take about half an hour to walk from my house to 73 Commercial Street. We left the party about a quarter-past one in the morning, and we got home past two. We had some refreshments on the way, in Commercial Road—at Levy's refreshment place, at the corner of Richard Street. That was before we met Beron with Morrison.

Did you not have supper at the party?—We left at that time in the morning, and we thought we would have something to eat and take something home for the children. It is not a restaurant; it is a ham and beef shop. We got to that shop at a quarter to two, and sat down and had some meat. It would take us about ten minutes to get from the ham and beef shop to our home.

Are you sure you left that party at a quarter-past one?—Yes.

Did you say this at the Police Court—"On 31st December I was at a party at 73 Commercial Street. I left about half-past one"?—I might make a mistake. I know it was past one, and it might have been half-past one. Assuming that it was half-past one, then we would get to the ham and beef shop at nearly two o'clock. We were not quite a quarter of an hour in that shop.

Will you explain why you said this at the Police Court—"It was nearly a quarter to three when we got home"?—I said it was past two. I do not remember exactly saying a quarter to three. I know it was past two when we met them.

Here is what you swore to in your examination on 28th January—"They were going towards the city when he (Morrison) turned round. I saw his face. It was nearly a quarter to three when we got home; that is a good way down from where I was then." That is what you swore on 28th January?—Well, it was near that time. I might make a mistake in a little, but I know it was about a quarter-past two when we met them, because I remember saying the time when we left the place, and it never took two minutes to cross the road to Philpot Street from the refreshment shop. I know Jack Taw, but I have only known him since this case has commenced. Neither my husband nor I ever goes to Snelwar's restaurant. I do not know the boy Rosen, and I never saw him when he was with my husband.

Had you ever seen Morrison before that night?—No.

Evidence for Prosecution.

Nellie Deitch

What sort of hat was he wearing?—I cannot remember his hat. How did you know his name?—By the paper.

When you went to Leman Street were you shown some portraits?—No. I only saw the photograph of the accused in the *Evening News* after I identified him. I swear that I never saw his photograph at Leman Street.

Did you say this at the Police Court—"I saw the murder of Beron in the *Evening News* on Monday. The name of Beron was in the paper. I saw a portrait of the prisoner in the paper last week. I saw it at Leman Street police station"?—No, I said I saw his photo after I identified him on Monday morning at Leman Street station.

I have read to you what you swore and signed at the Police Court—"I saw it at Leman Street police station"?—Yes, but you asked me such a lot of questions at the last hearing and you upset me, and I did not know what I was talking about.

Let me remind you of what you went on to say—"I saw it at Leman Street police station. I was shown a number of portraits, amongst which I saw the prisoner's"?—No, the portrait of the prisoner I saw in the *Evening News* in my shop. It was brought in after the identification. I do not know who it was brought the statement to me. I signed it in my shop, and I asked to be shown Beron's photo, and they showed me.

You made this statement upon your oath at the Police Court—

Mr. JUSTICE DARLING—You never can give a proper impression of your evidence if you only take out little bits.

Mr. ABINGER—I was getting the bare facts first as to whether she had seen a portrait of the prisoner at Leman Street station.

(To Witness)—Did you ever see a portrait at the police station?—I saw them at my shop.

And never at all at the police station?—No.

Do you wish the jury to understand that you did not see a photograph of the prisoner at the police station?—I do, and I can swear that. I saw a portrait of Morrison in the *Evening News* the same evening; he was sketched with two officers standing by the side of him. I identified Morrison between eleven and twelve o'clock on the morning of 9th January.

Re-examined by Mr. MUIR—I remember giving evidence before the magistrate and being asked by Mr. Abinger questions about taking women into my house for immoral purposes. I lived for five years at No. 4 Jubilee Street, and then I was for two years in No. 5, on the opposite side of the road. At No. 4 I had no tenant, as it was a small house or shop, and I lived there along with my husband and children and a servant. No. 5 had one room extra, and I let two rooms at 6s. 6d. to a Jewish tenant of the name of Simmons—a husband and wife with two children. They were the tenants during the whole time that I was at No. 5.

Steinie Morrison.

Nellie Deltch

Did you ever let any part of your house to women for immoral purposes?—Never.

Or have you ever done so at any house that you have ever lived in?—No.

And are you a respectable woman?—I am. I have five children. About twelve months ago we moved from 5 Jubilee Street to 401 Commercial Road. I let a part of my house there to a husband and wife and a little girl; their name was Campbell. They lived with me for seven months. They left about three months ago, and I do not know where they have gone. Since then I had a young couple, Mr. and Mrs. Hyman, who lived with us for two months. They are now living at 99 Charles Street, just at the back of me. My rooms are empty now. I left my father-in-law's house on the morning of 1st January at about a quarter or half-past one. I know that it was past one, because there is a clock in Commercial Street, Greenlees' Distillery clock, and just as we got out of the house I noticed the time, and it was a little over a quarter-past one. I cannot remember what hat Morrison had on.

Can you remember any of his clothes at all?—Yes, the overcoat he had on was a long overcoat. (Shown exhibit 14.) That is like the overcoat he had on, but the colour I cannot remember exactly.

How did his appearance strike you as to dress?—Very smart.

EDWARD HAYMAN, examined by Mr. LEYCESTER—I am a taxi-cab driver. In December last I was driving a hansom cab, and on the night of New Year's Eve I was in the Mile-End Road with my hansom. I picked up two people at the Mile-End corner of Sidney Street about two o'clock in the morning. I was going towards the city, and the two men were going towards Bow when I asked them if they wanted a cab. I have since picked out from a number of other men the accused as one of these two. The other man was about 5 ft. 5, and was dressed in dark clothes and a black bowler hat. The accused had on a long greyish striped overcoat and a black bowler hat. When I asked them if they wanted a cab the accused said "Yes, I want to go to Lavender Hill," mentioning Shakespeare Theatre, and asked me "How much?" I said "I leave that to you," and he said "Very well, then, 5s.," and I said "Thank you." They got into the cab and I drove them at an ordinary pace and set them down at the Clapham Junction side of Lavender Gardens. The accused paid me. After his arrest I picked him out on Tuesday, 17th January, from a number of other men at the South-Western Police Court.

Cross-examined by Mr. ABINGER—I know the East End pretty well. Sidney Street leads into Mile-End Road. At that junction there is another road, Commercial Road. Philpot Street is in Commercial Road. I picked the accused up at the corner of Sidney Street and Mile-End Road (marked in red on the plan). I set my

Evidence for Prosecution.

Edward Hayman

fare down on the other side of Lavender Gardens, almost opposite the South-Western Police Court. It was a dry night, or morning rather.

You, I suppose, along with other Londoners, heard of this murder on New Year's Day?—I did not hear of it; I just read it on the Monday, 2nd January. It was in all the papers, of course.

And all the posters?—I expect so.

You drove a man on 1st January within a very few yards, as you say, of the very spot where this murder was committed?—It was not very far from it.

When did you first go to the police station?—About a week afterwards, I think it was the 9th, if I am not mistaken. It was on the Monday or Tuesday.

Which was it?—

Mr. JUSTICE DARLING—What does it matter?

Mr. ABINGER—It is vital to my case.

Mr. JUSTICE DARLING—Whether he went to the police on the 9th or the 10th?

Mr. ABINGER—As your lordship hears this case developed you will realise that it is vital to the defence.

(To witness)—Was it the 9th, or was it the 10th?—I would not be sure whether it was the 9th or the 10th. It is hard to say how many fares I carry in a day and night. Some days I might have twenty or more, and others only three or four.

You will appreciate that you had driven a large number of passengers between 2nd January and the 9th or the 10th when you went to the police station?—Yes. I went to the police station at 8.45 or 8.50 at night.

Had you seen a newspaper relating to Morrison before you went to the police station?—Yes, I saw it in the papers, and there were notices posted in different cab yards and cab shelters

By Mr. JUSTICE DARLING—Had you seen a portrait of him?—No, I had only seen an account of it in the paper.

Cross-examination continued—I have in my hand a copy of the *Evening News* of 9th January, the 5.30 edition—exhibit 43. Do you remember seeing that paper before you went to the police?—No.

Will you tell the jury if you did not see this description of Morrison in the *Evening News* of 9th January why you had not been to the police station either on the 2nd, 3rd, 4th, 5th, 6th, 7th or 8th to say it was you who drove the man to the spot where this murder was committed?—Well, I went to the station as soon as I could.

Why did you not go before the 9th or the 10th?—I do not know.

Are you prepared to pledge your oath, in a serious case of this sort, that you had not seen the *Evening News* of the 9th before you went to the police station?—I had not seen it. I had not seen any

Steinie Morrison.

Edward Hayman

papers. I saw the notices posted down the cab yard where I was driving, and they were the cause of my going to the station.

I have in my hand a police notice, dated 6th January. Did you see that?—It was down in the yard. It was posted up in all the yards, and in the cab shelters as well.

Then if you saw that police notice, offering a reward to cabmen, dated 6th January, why did you not go to the police station until the 9th or 10th?—I was driving night work at the time, and I went home each day tired after doing my work.

There was a reward attached, and London was ringing with the crime, and yet you were too tired to go. To have called at the police station at any time during those nine days and to have said, "Why, I drove a man from Whitechapel to Lavender Gardens at that very spot and about that very time," would only have been a matter of a few moments. Why did you not go?—I went when I thought proper.

I am compelled to press you as to why you remained quiet and silent for nine or ten days if you drove this man on this night to the spot?—Notices were not down in the yard until the date it has got here—the 6th.

But the papers were full of the Clapham murder, and do you mean to say that you, the man who drove the murdered man, as you say, to this place at Clapham Common remained quiet for nine or ten days. Now, look here, sir, you say you saw portraits of Morrison?—I did not say I saw portraits of him.

I have in my hand the *Daily Chronicle* of the 10th with a full-sized portrait of Morrison in it?—I might go a week without looking at a paper.

I also show you the *Daily Mirror* and the *Daily News* of the 10th with a full-sized portrait of Morrison?—I do not read a lot of papers. I might go three or four days without looking at a paper.

Mr. ABINGER—I call for the original statement which this man made when he went to the police station.

Mr. JUSTICE DARLING—Have you got it, Mr. Muir?

Mr. MUIR—Yes, my lord. The statement itself is undated; the reports with regard to his going to the station are dated.

(Statement and Reports handed.)

Mr. ABINGER (after perusing the statement)—My lord, this is the 9th.

Mr. MUIR—Are you going to read it?

Mr. ABINGER—I do not know what my learned friend is interrogating me for.

Mr. MUIR—The rule is, if my friend does not read it then I am entitled to do so.

Mr. JUSTICE DARLING—Oh yes. You have stated part of its contents.

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Edward Hayman

Mr. ABINGER—I have stated the date.

Mr. JUSTICE DARLING—That is part of the contents.

Mr. ABINGER—I thought it would be fair to state that. Does your lordship rule that if counsel, while cross-examining a witness as to a date, reads the date on a statement, but not what is in the statement, that entitles counsel on the other side, representing the Crown, to read the whole statement?

Mr. JUSTICE DARLING—You have read part of it.

Mr. ABINGER—I read no part of it; I only read the date, which is not the statement.

Mr. JUSTICE DARLING—You called for the statement of the witness with great emphasis, as though the witness had contradicted something he had said in it.

Mr. ABINGER—I called for it with emphasis, my lord.

Mr. JUSTICE DARLING—Yes, and as far as I gather you read it through, and you said it was dated 9th January.

Mr. ABINGER—It was only the date that I read out. I should like your lordship to know that the date I read is not the date on the statement at all, but the date of the report of the police.

Mr. JUSTICE DARLING—I shall not rule about it until it is tendered in evidence, and then I will hear argument about it.

Mr. ABINGER—Now we know that the date was the 9th.

(To Witness)—I give you the opportunity now to explain to the jury why, if you were able on the 9th to go to the police and give a description of the man you drove on the 1st, you did not do so before?—The notices were not out, for one thing, until the 6th or the 7th. What was posted up on the yard said, “Wanted, the driver who drove two men through the East End towards Clapham Common.”

Do you tell the jury that you did not know of the murder until the 6th?—I had heard of it, certainly; I had read of it in the papers.

Of the murder at Clapham Common?—Yes.

Then I want you to explain to those twelve gentlemen, if you had heard of the murder and you knew that you had carried a passenger on that very night when that murder was committed, at about the very time, why did you not go to the police without a police notice?—Well, I went there when I thought proper.

When you thought proper?—Yes, when I had the time. As I told you, I was driving a cab all night, and I used to go home and go to bed in the daytime.

I put it to you, the reason why you never went to the police station was that you never in your own mind connected the fare you drove on 1st January with the murder with which the whole of London was ringing until you went to the police station on the 9th?—I went there when I thought proper.

Why did you not go before?—I cannot give any reason for it.

The police notice of the 6th is in these terms—“Metropolitan

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Police. To Cabmen. £1 reward. The driver of () cab who between twelve night on the 31st December and 6 a.m. on the 1st January, 1911, took up at the neighbourhood of the East End two men, and drove them to Clapham Common; also if any driver picked up one or two men in the neighbourhood of South Side Clapham Common, or Clapham High Street, between 2 a.m. and 6 a.m., 1st inst., going in direction of London." That was posted in every cab yard in London, was it not?—Yes.

Why did you not go on the day you saw it?—Because I was not sure whether I was—to tell you the truth, I did not want to have anything to do with the job at all.

You started by saying, "I was not sure." What were you going to say? Now, Hayman, do not spar at me!—I tell you I cannot give any reason for not going.

Did you ever connect anybody you picked up at Sidney Street and took to Lavender Gardens on 1st January with this murder?—I know I identified him. I went and identified the fare I drove.

Did it occur to you till 9th January, at a quarter to nine in the evening, that the fare you picked up on 1st January was connected with the murder?—Yes, I had an idea that it was something to do with the murder.

When?—Well, a few days afterwards.

Why did you not go to the police station?—Well, I did not go.

Why?—I do not know.

When were you taken to identify the man?—I think it was on the 17th, the Tuesday.

Do you know why, having gone to the police station on the 10th, you were not taken to identify him till the 17th?—I could not tell you that. I know nothing about that.

How many hundreds of fares had you seen between 1st January and the 17th?—I had plenty of fares certainly during that time, but I never picked one up at the Mile End Road; that is an exception.

I suggest that you took up about 170 in seventeen days, and yet you are taken to identify the man for the first time after these seventeen days?—Yes.

Had you or had you not seen some of those full portraits of the accused in the papers before you went to the police station?—Yes.

Before you went to identify him?—Yes, before I went to identify him, but I did not go by portraits.

Do you agree with me that it would be very difficult to find a man in London who could not identify the accused after a portrait like that had appeared in the *Daily Mirror*?—I did not identify the man from the portrait.

Could you identify the other man?—No, I could not swear to the other man, because Morrison was the one who engaged and paid

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me and had the conversation with me. I only know he was a man of 5 feet 5 or 6, dressed in dark clothes.

Is Sidney Street a likely place to pick up a passenger?—No, not as a rule. You might come down the Mile End Road with a cab for six months and not find a fare.

You said at the Police Court that the corner of Sidney Street was a likely place?—Well, on a New Year's evening you are likely to pick up a fare anywhere.

Have you ever picked up fares there before?—No, I cannot say that I have. I never use the East End with a cab unless I have a fare to take me down there. I took a fare down there, and that is how I came to pick up the other fare. I was going back to the city. I came out that night about eleven o'clock, and I picked up this man somewhere about two o'clock. I had been at the People's Palace in Mile End Road after taking a fare from the Bank. I had several fares before that. When I first came out I had a fare from the Elephant to Brixton. Then I went back to the Elephant again, and I had a fare to Hoxton. From Hoxton I got to the Bank, and then I got to the People's Palace, and then I picked up this fare at the corner of Sidney Street.

Who got out first when the cab arrived at Lavender Gardens?—That I could not say.

How long did you take to drive from Sidney Street to Lavender Gardens?—It might be half an hour and ten minutes—somewhere about three-quarters of an hour. Of course, when I am out with a cab I do not look at the time when a fare gets into the cab and the time when he gets out.

I suppose you have a better class horse in the day than you have at night?—Sometimes.

Did you get a fare back again to London?—From Clapham Junction?

I did not say anything about Clapham Junction?—I put my horse on the Clapham Junction rank.

Re-examined by Mr. Muir—When did you first form the opinion that the men you had driven to Lavender Gardens had something to do with the Clapham murder?—I suppose when I saw this notice put up in the yard where I was driving.

Not before?—No. The date on the notice is Friday, 6th January. I saw the notice on the Friday. I went to the Kennington Lane police station on Monday, the 9th, somewhere about nine o'clock, and I spoke to the inspector there, but I do not know his name. Next day a detective officer named Jones came to me and took my statement, which I signed. I should think it would be about nine o'clock in the morning of the 10th that Jones took my statement. I went to the South-Western Police Court on the 17th, and I identified the accused from about six or seven other men. He was wearing the

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long overcoat that I had seen him in before. I picked him out from the others without any hesitation.

You know what a serious case this is. Have you to-day any doubt whatever?—None whatever. I heard him speak on the night in question, but I have not heard him speak since.

SAMUEL DEITCH, examined by Mr. MUIR—I am the husband of Nellie Deitch, and I carry on business as a plumber at 401 Commercial Road, Stepney. We have been married for twelve years, and during those years we have lived in five different houses. We were at my father's house on the night of 31st December last, and we left at half-past one in the morning and walked home by Commercial Road.

While you were going along did you or did you not see anybody you knew?—I did not see anybody. I certainly saw plenty of people, but, of course, I did not take much notice of any.

Did you see the late Mr. Beron at all?—No.

By Mr. JUSTICE DARLING—You must not tell me what she said, but I want to know if you remember your wife making an observation to you as you went along?—Yes, she did, as we were walking along.

Can you tell me at about what part of the road?—That was after we passed the men.

Cross-examined by Mr. ABINGER—Your wife made many observations to you while you were walking home?—She did not; she only made one.

She never spoke to you all the way from Commercial Street till you got home with the exception of that one remark?—She said she would like to have some refreshments.

Re-examined by Mr. MUIR—Where were you then?—Walking along just by New Road.

Besides the observation about refreshments did she make any other observation?—Not exactly.

By Mr. JUSTICE DARLING—Besides asking for refreshments, did she speak to you on the way home?—She only spoke to me of seeing Beron with a young friend. That is all.

Where were you then?—Just by Philpot Street.

The Court adjourned.

Third Day—Wednesday, 8th March, 1911.

Mrs. DEITCH, recalled, further cross-examined by Mr. ABINGER [shown Mrs. Holmes]—I do not know that woman, and I do not remember seeing her before. I may have seen her in the street, but I cannot remember. I swear that she has never been in any house in which I have lived. She is not my maid named Lizzie and never was my servant.

[Shown Sarah Lask]—I do not know that woman. Do I know you?

SARAH LASK—Yes.

The WITNESS—You are telling lies. I have never seen you before. How dare you come and tell lies?

SARAH LASK—I am not a liar.

The WITNESS—You are; I have never seen you.

By Mr. ABINGER—I put it to you that that woman at the end of last year, about three months ago, brought a man to your place at Commercial Road?—Can she prove it? I do not know the woman and it is a lie.

Is it true that you have been round to her house, inviting her to go to your place as you could introduce her to a nice man and could earn money as well as yourself?—I know nothing about it. I do not know her and have never seen her. I have never been down Boyd Street. I do not know Batty Street Buildings, Commercial Road. It is not true that I have been round there several times inviting women to come to my house to earn money.

I put it to you that this woman Sarah Lask was in your house three weeks ago?—It is a lie. I have a tenant that lived at the time can prove it.

Re-examined by Mr. MUIR [shown Mrs. Simmons]—That is Fanny Simmons, the wife of Samuel Simmons. They lived with me between seven and eight months in two rooms in my house at 5 Jubilee Street. I have known them for about ten years. They had two children while they were living with me. They were respectable people. [Shown Woolf Phillips.] That is Woolf Phillips, tailor and house agent, 12 Jubilee Street, Stepney. He called personally to collect my weekly rent at 5 Jubilee Street.

ANDREW STEPHENS, examined by Mr. MUIR—I am a hansom cab driver. In the early morning of 1st January I was with my cab on the rank at Clapham Cross, and while I was there I picked up a fare. I first saw my fare walking round the palings from the Old Town, Clapham. As he walked by me I asked him “Cab,

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sir?" He walked a little way on, and turned and came to the cab, and told me to drive to Kennington. I drove him to Kennington and set him down between the Hanover Arms and the Oval Station of the electric railway, directly opposite the Kennington Church. He paid me my fare. I had an opportunity of seeing what the man was like. It was the accused—I am quite sure. I went to the police on 10th January. (Shown exhibit 15.) I had seen that notice in my cab yard on Monday night, 9th January, and I went to the police at ten o'clock next morning. I saw a portrait of the accused that same morning before going to the police.

Did you recognise it or not?—No, the man had his hat off and his coat on as he stood in the dock. I gave my description of the man I had seen to the police. On Tuesday, the 17th, I went to the South-Western Police Court where there were a number of men. I was asked to pick out my fare from Clapham Cross, and I picked out the accused. At that time he was dressed in the same way as he was when he got into my cab—the same coat and hat, or something similar—a bowler hat. I drove at an ordinary pace from Clapham Cross to Kennington. After the accused paid me my fare I went back to Claylands Road, and then I took my horse to the Elephant and Castle and put up on the rank there. The accused got out a little way from the Hanover Arms. Having done that I went to the coffee stall to have some supper. I do not know exactly what time it was when I got to the Elephant and Castle. There were other men on the rank and we got talking. When I got to the coffee stall it was twenty minutes to four. I think I might be talking to the other drivers on the rank for four or five minutes. I remember driving my cab another night about eleven o'clock, with Sergeant Cooper, from Sidney Street to Lavender Gardens. I drove at an ordinary pace, crossing the Thames by London Bridge, then along Borough Road and Lambeth Road, through Vauxhall, and straight up Wandsworth Road to Lavender Hill. That night I drove with Inspector Ward and Sergeant Cooper from Clapham Cross to Hanover Arms, then doubled back to Behring's Road, and then went at a walking pace to the Elephant and Castle. On the morning of 1st January, when I set my fare down, I saw him cross behind the back of the cab across the road towards Prima Road, walking towards Kennington Park. That was the last I saw of him.

Cross-examined by Mr. ABINGER—I came out on 31st December between two and three in the afternoon, and I got off the cab at half-past six next morning, after a spell of about sixteen hours. During these sixteen hours I had four fares with the first horse and I think eight with the second, about twelve or thirteen fares, but I cannot say exactly, nor can I tell exactly how much money I earned, but I had nineteen shillings at the end of the day. The last fare I had before picking up the accused was from the Royal Hotel, Blackfriars, to Cedars Road, Clapham. I should think I

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took about half an hour. The fare I had before that was from Leicester Square to Clovelly Mansions, Gray's Inn Road. I am not exactly sure what time it was when I got to the rank at Clapham Cross, but I got there just before the last tram went to Tooting. I should think I got to the cab rank somewhere between half-past one and two o'clock. I picked the accused up about an hour after the last tram went, but I cannot tell the time exactly. There is a large illuminated clock quite near the cab rank at Clapham Cross.

Do you mean to tell the jury that with the clock so near that cab rank you cannot tell us what time you picked that man up?—No, I did not look at the clock. I was on the ground when the accused came up, and I put my rug round me to jump up on my cab. It was not cold that night; it was a beautiful night. When I got to the cab rank there were a four-wheeled cab and a hansom cab there, but when I saw the accused coming along I was alone on the rank. (Shown plan No. 22.) After looking at the fountain, the clock and the cab rank on that plan, I mark as near as I can, with a red cross, where my cab stood.

You say that the man came from the direction of the Old Town, along the pavement, round the corner?—Yes.

So that the light of the clock when he came towards your cab would be behind him?—Yes. I said to him "Cab, sir?" He walked past the cab and said "Kennington," and then he got into the cab and I drove him there. I suppose it took me ten or twelve minutes, but I did not time myself. It was not raining that night. I pulled up at the Hanover Arms. When the man got out of the cab he passed behind the back of my cab and walked towards Prima Road.

Did he walk in the direction of the taxicab rank?—No. When he got out I turned the horse and cab round, and as I turned round I saw him coming down towards Kennington Park.

The taxicab rank is round the corner. He was walking in that direction, towards the cab rank?—The cab rank is right outside Kennington Park. That is Kennington Park where the cab rank is. The Horns is at the corner of Kennington Park Road and Kennington Road. To get from the Horns to the Hanover Arms you pass right by Kennington Park, past the cab rank.

When did you first hear of the murder committed on Clapham Common?—On the Sunday night, 1st January.

You had, within a few yards of that, picked up a man, as you say, on that very night, on that very spot?—Yes.

Why did you not go to the police on the Monday?—Because I did not connect it up then with that man; I never thought of it at the time. I do not think I read a description in the papers on 2nd January of the injuries inflicted on the man; I never got up all that day.

Do you tell the jury that on the 2nd, 3rd, 4th, 5th, 6th, 7th,

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8th, and 9th you had not sufficiently connected your fare with the murder to compel you to go to the police?—No.

Then why did you not go?—Because I did not think this man had anything to do with it at the time.

Why?—I do not know why.

Why?—Because the general appearance of this man when he came to me was like an actor or a professional man, and I thought he lived in the neighbourhood of Kennington Park. That is why I never went to the police. I did not go to the police because I never thought of it; it never entered my mind.

That is what I am also suggesting to you, that you never did think of it, and that is why you did not go to the police?—I never gave it a thought at the time.

When did you begin to give it a thought?—On the Monday morning, 9th January.

On 9th January this man stood in the dock in an open Police Court in London, you know?—I read that in the *Daily Chronicle* of 10th January.

Do you pledge your oath that you had not seen the evening papers of the 9th?—Yes.

Do you tell the jury that having in your mind having picked up a man on Clapham Common this early morning you were not sufficiently interested in what took place on Clapham Common as to want to look at the paper?—I hardly ever buy a paper.

I put it to you that you saw the evening papers on the 9th?—No.

You know that admirable evening paper, the *Evening News*, of course?—I never buy it, and never read it. I am a democrat. If I buy a paper it is usually the *Star*. I did not read the *Star* or any other paper that night.

Listen to this—“Steinie Morrison charged. Clapham murder arrest. Accused man at the Police Court. Tall, well dressed. The ordinary cases of the day had been disposed of by 3.25, and two minutes later the place of a man charged with cruelty to a horse was taken by a tall, well-dressed, clean-shaven man, the accused. With Detectives Ward and Hawkins the man walked to the little iron-railed dock in the centre of the gas-lit Court, and faced the magistrate with complete unconcern. Morrison wore a heavy overcoat of rough greenish cloth, dark trousers, and well-polished, fairly new boots. He looked like a person in fairly good circumstances.” Do you pledge your oath you did not read the *Evening News* of 9th January, or the *Star*, or any other evening paper?—Yes. I saw the police notice offering a reward of £1 on Monday, the 9th.

That police notice was exhibited on 6th January. Do you tell the jury that you had not seen it on the 6th, 7th, or 8th?—It was not put up in our yard until the Saturday. I never went to work on the Sunday.

Evidence for Prosecution.

Andrew Stephens

Do you tell the jury, as a London cab driver, you did not know that the Metropolitan Police were looking for two men, for a driver who picked up one or more men in the neighbourhood of the south side of Clapham Common or High Street?—I knew it on the Monday, but not before.

You do not live by yourself; I suppose you talk to your fellow-cabmen?—Sometimes.

Do you tell the jury that you never heard of that police notice till the 9th?—Yes.

Have you had that sovereign?—No, and I do not expect it.

Do you agree with me that if you had seen the description which I have read to you from the *Evening News*—"Tall, well-dressed, clean-shaven, heavy overcoat, roughish green cloth, and dark trousers"—it would not be a very difficult thing to pick out Morrison?—I do not know about that. I never read it.

Look at exhibit 9. Is that the statement you made to the police on 10th January, and is that your signature?—Yes.

I am going to read it. "I am a hackney carriage driver. On Sunday morning, 1st January, the date I fix on account of its being New Year's morning, at about 1 a.m., I picked up two gentlemen at the Royal Hotel, Blackfriars, and drove them to Cedars Road, Clapham Common. I arrived there about 1.30, and after putting down my fares, went back and put on the cab rank at Clapham Cross near the clock. There was another cabman with a four-wheeler on the rank at the time. I remained on the rank until just before half-past two, when a man alone came from the direction of the 'Old Town, Clapham.' He passed the other cabman. I said to him 'Cab.' He did not answer, but walked down the cab rank a little way and then came back. He said 'Kennington,' and then got in the cab. I drove him to Kennington and put him down just by the Hanover public-house, opposite Kennington Church. He paid me two shillings, did not speak, and walked towards the Horns public-house. The man was perfectly sober, and seemed to be in a hurry to get away. He was wearing a dark grey or green blanket coat with gauntlet cuffs and heavy collar, it was buttoned up, and a white handkerchief round his neck tucked inside, a black bowler hat, rather tight trousers. He was my height, 5 feet 10, clean-shaven, dark complexion, I should think. I took him to be a man belonging to the theatrical profession. I have seen a photograph of Steinie Morrison in the *Evening News* of yesterday's date, the 9th"—the 9th is my word—"and identify him as being the man I picked up at Clapham Cross and drove to Kennington." Now, sir, is that the statement you made and signed to the police?—Yes.

You see what you say there about the *Evening News* of the 9th. Why did you swear that you had never seen the *Evening News* on the 9th?—I never saw the *Evening News* on the 9th. I never saw it till I went to Brixton.

Steinie Morrison.

Andrew Stephens

Then why did you put it in your statement to the police?—That was the next day.

You told the police you picked this man up at half-past two, or just before?—I told the police this, that I was not sure of the time, and it was about one hour after the last tram went. The police asked me the time of the last tram, and I said about half-past one, and that would make the time half-past two.

Do you suggest that this is the language of the police, and not your language?—I suggested it by the time of the tram.

Now, you know that if that statement is true, that you picked up a man at half-past two, Hayman's evidence cannot be true, because he would be in Hayman's cab at half-past two?—I do not know.

Do you tell the jury that you do not know that Hayman has sworn that Morrison in fact was in his cab at half-past two?—I do not know.

Have you spoken to Hayman?—Yes.

Do you think it is quite fair that you should be the cabman selected to go and take this second drive?—I do not know; it is no business of mine. I was asked to do it, and I did it quite fair; I acted quite fairly to everybody. I am a fair dealing man. The first time I saw Morrison after 1st January was on 17th January.

Had you seen portraits of Morrison in the press by that time?—Yes.

It was a bit of a farce going to identify a man whose portrait you had seen in the press, was it not?—No. I should have done it for any man if I had driven him under any circumstances.

Which portrait did you see?—The one in the *Daily Chronicle*; I saw it in a public-house in the borough. I should think there were ten or twelve men with Morrison when he was paraded at the West London police station.

Did you say to the officer, or anybody, anything to this effect, "What is the good of asking me to pick this man out; I have seen his portrait in the papers"?—No.

By Mr. JUSTICE DARLING—When I picked him out he had a hat on. There is no hat in the *Daily Chronicle* picture.

Cross-examination continued—How many passengers did you pick up between 31st December and the 17th January?—I only went to work three days between that time.

How many of the passengers you picked up on 31st December do you think you could identify now?—Several of them.

Do you tell the jury if you pick up a passenger who says one word "Kennington," is in your cab for ten or twelve minutes, and pays you your fare, you could identify him seventeen days afterwards?—Quite possible. I have known men ride in cabs and you know them again a month afterwards.

No doubt if you see the portrait in those papers it is quite easy—in fact it is difficult to avoid identifying, but do you tell the jury that

Evidence for Prosecution.

Andrew Stephens

without seeing a description you can identify?—I gave my own description without any assistance from the newspapers at all.

Do you tell the jury you did not know, after you had made this statement to the police, that if that hour was correct, namely, half-past two, Hayman must be wrong?—I will tell the jury how I come to correct him if I may be allowed.

I suggest to you that that time was altered to twelve minutes past three because that fits in with Hayman's time. What do you say to this—two of you were claiming this man at the same time?—I never claimed to drive him at all at half-past two.

This is a murder charge?—I know.

Be frank with me. Do you tell the jury that that hour, half-past two, was altered to a quarter-past three after it was known that Hayman stated that this man was in his cab from two o'clock till some forty minutes after? Do you tell the jury that on your oath?—I say this on my oath, that if it had been true I should have stuck to it. I made all inquiries; I went to the tramway company and made inquiries regarding when the last tram went, and on their statement I went to the police and altered the time entirely of myself.

By Mr. JUSTICE DARLING—I ascertained from the tramway company the time the last tram went from the Plough, Clapham, to Tooting on this morning—1.58 a.m.

Cross-examination continued—I then went to the police and I told Inspector Ward that I had been to the tramway company.

If you did not know the time, how could you tell it was an hour after the last tram had gone?—I said about an hour I was there on the rank—I had been waiting about an hour.

How could you tell if you had not been looking at this illuminated clock?—I can tell an hour. It is part of my business to know.

Do you tell me that what you said to the police was not what is written down and signed by you, but something to this effect, "I arrived about half-past one." This is what you wrote or signed. Did you read it?—No.

"After putting down my fare I went back and put on the cab rank at Clapham Cross near the clock"?—I said I got there before the last tram went. Sergeant Cooper, who took my statement, wrote it down as I said it.

Did you say to Sergeant Cooper, "I arrived there about 1.30"?—I told him I did not know the time, and I put on there as the last tram went away. That was the way. I told him then there were forty or fifty people waiting for the last tram, and there were tram people waiting there on this morning. That was why I put on the rank, and it was just before the last tram went that I put on the rank. I saw the last tram go, also the staff tram that runs afterwards, and that was how the time was first thought of. I said it was about half-past one.

Steinie Morrison.

Andrew Stephens

By Mr. JUSTICE DARLING—Who said it was about half-past one?—I said so. I saw the last tram go and the staff tram go, and I thought it was about half-past one.

Cross-examination continued—“ I remained on the rank until just before half-past two.” Did you say that to Sergeant Cooper?—No. I said I was on the rank about an hour or an hour and a half, or some time like that.

You did not say just before half-past two the man came along?—The way half-past two was got at was, one hour after I put on the rank; that was half-past one to half-past two. Instead of that the right time was from two o'clock till three or a little after.

Your statement is signed by you?—Yes, but the time is wrong. I told you that before. I did not know the name of the other cabman referred to in my statement, but I know where he works. As I made my statement in an office upstairs in Brixton police station it was typed by a clerk who was not in uniform. I made my statement between eleven and twelve o'clock in the morning.

You told my friend about ten; you now say between eleven and twelve?—I went at eleven o'clock in the morning to the Borough police station. I had my cab out in the yard, and I went to the office at Brixton police station, and I arrived there about eleven or half-past eleven—I did not take any notice. The officer came with me from the Borough.

Is this what you said to Sergeant Cooper—“ It was a dark grey or green blanket coat with gauntlet cuffs and heavy collar ”?—No. I never mentioned a blanket coat at all. I said it was a grey or green motor coat.

Was this read to you before you signed it?—Yes.

Why did you not say, “ I did not say that ”?—One answers to the other. It is a blanket coat.

Did you tell Sergeant Cooper the man wore rather tight trousers?—Yes. They asked me, and I said, “ Yes, fashionably dressed.”

Do you tell the jury, with his greatcoat buttoned up you could tell whether he had tight trousers on?—I could tell you what boots he had on without having seen him in the photos, and never seen him before.

Did you see the colour of the tie or the handkerchief he had on?—No.

Re-examined by Mr. MUIR—Before Monday, 9th January, I think the last day I worked at my yard was the Wednesday. I was not well on Thursday, Friday, Saturday, and Sunday, and I stayed indoors. I went down to the yard on the 9th, and I then saw the police notice. I went home, and then I went to the police station next morning with my employer. On the 9th I went home about twelve o'clock in the day, and went to bed about five o'clock at night, and I never saw any paper till the next morning. I told the police that the man had a button on the arm of his coat. I saw that as he

Evidence for Prosecution.

Andrew Stephens

paid me with the left hand, and I was struck with the button on it. The policeman put down "gauntlet." The first time I saw the portrait of Morrison in the *Evening News* was at Brixton police station after I had given my description. One of the officers showed it to me—I do not know his name. I then put at the end of my statement, "I have seen the portrait of Steinie Morrison in the *Evening News* of yesterday's date and identify it as being the man I picked up." When I pulled up on the rank at Clapham Cross there was a four-wheeled cab there, behind me. The cab was just driving off the rank when I got there, and then I was left entirely on my own.

The FOREMAN—My lord, several members of the jury would like these questions to be put, if they are proper questions to be put. (Handing a paper to his lordship.)

By Mr. JUSTICE DARLING—When the time was altered so that your statement as read to-day does not give the time as you gave it when you first gave your evidence in the box to-day, did you act entirely on your own doing, or was it suggested to you?—I went entirely on my own to find out whether I had made a mistake or not. Had I found I had made a mistake I would have owned and said that I had made a mistake, and that this man was not the man. I went entirely on my own and made inquiries myself, and when I found they were right I went and told the police what I had done, entirely on my own. Nothing was ever told me by the police what to do.

Before going to the tramway company and going to the police and telling them the result of your investigations about the time, had you seen Hayman to talk to?—No. I have seen him, I have known him four or five years, but I have not seen him during this case. I never spoke to him about this matter, and I never knew he was a cabman at all until 17th January.

When the man paid you his fare, did he open his overcoat, did he unbutton it?—No, he had the money in his hand. He looked the same look as he has got now, on one side. I have been driving a cab for fifteen years.

CHARLES COOPER, examined—I am a detective sergeant in the Western Division.

By Mr. ABINGER—I was at the South-Western Police Court, Lavender Hill, on 17th January in connection with this case, but not on 9th January. I took a statement from the witness Stephens at Brixton police station about noon, but I do not remember exactly when. Besides Stephens and myself there was in the room Constable Durbin, who typed sentence by sentence statements made by Stephens to me and repeated by me. The language in that statement is Stephens' own language. I probably asked him how he fixed the date, Sunday morning, 1st January.

"At about 1 a.m. I picked up two gentlemen at the Royal Hotel, Blackfriars, and drove them to Cedars Road, Clapham Common."

Steinie Morrison.

Charles Cooper

Are those the exact words used by Stephens?—As near as was possible they convey the meaning he conveyed to me.

“ I arrived there about 1.30, and after putting down my fares went back and put up at the cab rank at Clapham Cross near the clock ”?—I think I suggested the clock to him at the time and he accepted it.

“ There was another cabman with a four-wheeler on the rank at the time. ” Was that Stephens’ own language?—Yes.

“ I remained on the rank until just before half-past two. ” Was that Stephens’ language?—Not exactly. In the first place, he said he remained on the rank he should think about an hour. I asked him if it was possible to fix the time by anything, and he then mentioned something about the last tram leaving, and by that he came to the conclusion it was about 2.30 that he picked this man up.

“ When a man alone came from the direction of Old Town, Clapham ”?—Yes.

“ He passed the other cabman and I. ” Did he say that?—I cannot say that he used the exact words, but I am sure he said something about passing another cabman. I do not remember whether he said “ and I. ” I know he said there was another cabman present.

“ I said to him, ‘ Cab, sir. ’ He did not answer, but walked down the cab rank a little way, and then came back, and he said, ‘ Kennington ’ and got in the cab. ” Is the whole of that his language?—Yes.

“ I drove him to Kennington and put him down just by the Hanover public-house opposite Kennington Church. ” Is all that in his language?—Yes.

“ He paid me 2s., did not speak, and walked towards the Horns public-house ”?—If I remember right, he said he walked across the road first and then went in the direction of the Horns. It is very probable that the clerk omitted that as of no importance, the man crossing the road.

“ The man was perfectly sober, and seemed in a hurry to get away ”?—Yes.

“ He was wearing a dark grey or green blanket coat with gauntlet cuffs and a heavy collar. ” Did he use that expression?—To the best of my belief he did, but when he came to the police station he had a bad attack of bronchitis and could scarcely speak, and there was difficulty in understanding him.

Did he mention gauntlet cuffs?—That, I think, is my word.

You had not seen the accused’s coat?—No, I had never at that time seen the accused or his coat which he was then wearing.

Why did you suggest gauntlet cuffs if you had not seen them when as a fact there are gauntlet cuffs on this man’s coat?—I should not say they are gauntlet cuffs. In describing the coat I think he

Evidence for Prosecution.

Charles Cooper

mentioned a button, and then I asked him if he would call it a gauntlet sleeve, and he agreed.

And heavy collar—that was his language?—Yes.

“It was buttoned up. He had a white handkerchief round his neck, tucked inside”?—That is his own language.

“A black bowler hat, and rather tight trousers”?—Yes.

Did you stop a moment and ask him how he could tell that the accused had rather tight trousers if he had got a long grey coat buttoned up?—I did not think it was impossible to see his trousers even though he was wearing a long coat getting in and out of the cab.

“He was my height, about 5 feet 10, clean shaven, dark complexion.” Was that all his own language?—Yes, he added the “I should think” when I asked him to be certain about the complexion.

“I took him to be a man belonging to the theatrical profession”?—That is his own language.

“I have seen a photograph of Steinie Morrison in the *Evening News* of yesterday’s date.” Did he tell you that?—That was in answer to my question. I think, as far as I remember, there was an *Evening News* lying there at the time in front of him, but I am not quite sure. It was never shown him, and it was quite accidental that he saw it. To the best of my belief, the newspaper, whatever it was, that was on the table at the police station contained a portrait of Morrison.

Was Stephens sitting down when he was making his statement?—Yes. I stood at the end of the desk. I do not swear that the newspaper was on that desk, but I think there was a paper lying there.

If it was there at all, what was it there for?—It would be there quite by accident; some one would have purchased it the night before for the purpose of reading it, and would have left it on his desk. After the statement was typed, it was read over to Stephens, and he signed it. I had nothing to do with taking Hayman’s statement. I think it was taken by Constable Jones.

Re-examined by Mr. MUR—I had no idea that Stephens was coming to Brixton police station on the morning of the 10th to make a statement in the Clapham murder case.

Mrs. NELLIE DEITCH, recalled. Further cross-examined by Mr. ABINGER—I do not know a woman called Dolly Nevy, nor do I know the name.

[Shown Dolly Nevy.] I have never seen that woman before to my knowledge. I might have seen her in the street, but I cannot remember. That woman never lived in my house, nor did she ever take anybody to my house. I did not see her or speak to her last night.

Steinie Morrison.

Nellie Deitch

[Shown Lena Hall.] I have never seen this woman before in my life. This woman never brought men to my house in Jubilee Street.

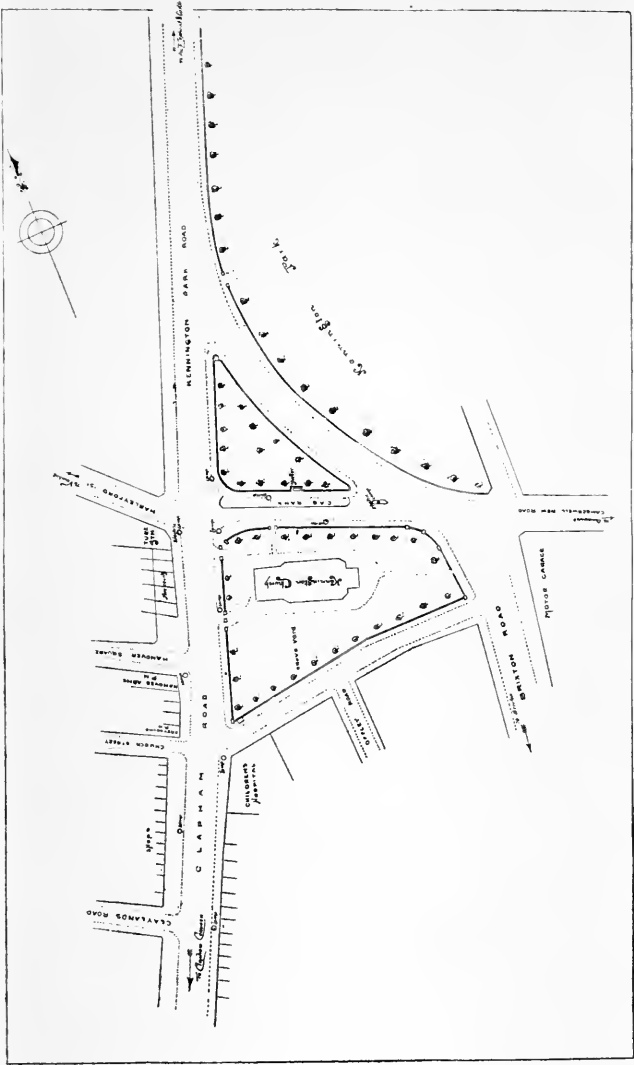
[Shown Becky Blue.] I do not know this woman, nor have I ever seen her before in my life. She has never brought men to my house.

Mr. JUSTICE DARLING—Gentlemen, I always think it well that the jury should exactly understand what is going forward, the same as the judge does, and I may tell you that all this examination is admissible as impeaching Mrs. Deitch's credit as witness, but Mr. Abinger cannot in law call any of these witnesses to contradict her. The law does not allow him to do so, and you will see why when I tell you that, if it did allow Mr. Abinger to call them to contradict this witness, then a number of people could be called to contradict them, and we should be practically trying the question whether Mrs. Deitch has committed perjury or not, or whether these women have committed perjury or not. If that could be done there would be no end to this case, or to any case in which that system was permitted. Therefore, although Mr. Abinger may cross-examine Mrs. Deitch as to her credit, and may confront her with all these women, and so on, he cannot call them as witnesses to contradict her. The law simply does not permit it. If he were to tender them, I should have to say that they could not be sworn, and could not give evidence.

ALFRED CASTLIN, examined by Mr. LEYCESTER—I am a taxicab driver. In the early morning of New Year's Day I was on the cab rank near Kennington Church. I took up a fare about 12.30, and then I came back to the rank. I picked up a second fare about 3.30. There were two men, and I took them to Finsbury Gate. On 9th January I picked one of them out from a number of other men at Leman Street police station—the accused. He was one of the two men I picked up at Kennington Church. The other man was shorter than the accused. I did not have any conversation with him, and I did not look much at him. The accused asked me how much I would take him to Finsbury Park station for, and I said 7s. He hesitated slightly, and the other man spoke to him in a foreign tongue and pushed him into the cab. I took them both to Finsbury Gate, in the Seven Sisters Road. They got out there, and the accused asked me what the fare was, and I said, "You have struck the bargain, and you know," and he gave me three half-crowns. I do not know what became of them after they left me.

I saw a notice up in our garage, but I could not say whether it was like exhibit 15 or not. I went to Brixton police station on 4th January and made a statement. Afterwards, on the 9th, at Leman Street police station, a number of men were placed before me, and I picked out the accused from amongst them.

Did you notice what sort of coat the accused had on?—He had a



Plan of neighbourhood of Kennington Gate and Camberwell New Road. (Exhibit No. 17.)

Evidence for Prosecution.

Alfred Castlin

long overcoat, a motor shape fashioned coat. I believe he had a cap on his head, but I did not take much notice. The other man, who was a shorter man, had a bowler hat. As far as I can remember, he was a dark man, with a dark moustache, about 5 feet 6 inches in height.

Cross-examined by Mr. ABINGER—Are you sure of the time?—Yes, near enough. It was within a few minutes, one way or the other, of 3.30. I started work on 31st December about 12 noon, and I was working till about ten minutes to five next morning. I was not tired.

When do you get tired, if you do not get tired after fifteen and a half hours?—When I have earned enough money to take home.

You are quite sure there were two men?—Perfectly.

How far was your taxicab away from the main road, Kennington Park Road, when you picked up your two fares?—I could not tell you the exact distance. I was in the Camberwell New Road, just the breadth of the road away from Kennington Church. I mark where my cab was with a cross on the plan. It was just by the side of the electric lamp.

Which of the two men asked how much you would take them to Finsbury Park station for?—The accused.

You said 7s., and then the accused hesitated. You mean he said it was too much?—He may have thought so. When he hesitated the other man spoke to him in a language I did not understand and pushed him into the cab, and then got in himself. The taxi registered just over seven miles, as far as I know. I arrived at Seven Sisters Road about four o'clock, and I finished and went into the garage at 4.45. I have been on a taxicab for about four months, but I was on the roads on the busses for a long time before that.

Do you remember the anarchist outrage in Seven Sisters road, or in Tottenham, or about there?—Yes, I remember it.

Was that on the part of the road where you were driving?—No, I know nothing about Tottenham; I am a London cabman, not a suburban cabman.

You cannot tell us how far you were away from Tottenham at that point in Seven Sisters Road where your fares got out?—I have never done it on the road.

By Mr. JUSTICE DARLING—When was this anarchist outrage? Was it before or after you took these men?—It might be two years previous to that.

Cross-examination continued—A man jumped from a bus with a revolver, firing at everybody, and killing people. That is the incident I am asking you about?—I remember the incident, and I know what you are talking about.

That was in this neighbourhood, a few miles further on.

Will you mark on the map the spot where the two men got out of the cab?—I cannot give you the exact spot. It was about a mile

Steinie Morrison.

Alfred Castlin

beyond Finsbury station. (Witness marked spot on the map with red pencil.)

You say you saw a police notice, and you went to the police station?—There are always police notices. I went to the station before I saw the police notice.

Did you see a description of the accused before you went to the police station?—No, I just read the account of the murder in the papers; that was all.

Did you read the *Evening News*?—Yes.

Did you see a description in the *Evening News* before you went to the police station?—I just read a bit of the *Evening News*; it said they were looking for two Frenchmen, that is all.

On what date did you see that?—About the 3rd, I think it was.

By Mr. JUSTICE DARLING—You went to the police on 4th January, as I understand?—Yes.

Here is the *Evening News* of 3rd January. Just show me what description you saw there?—“As reported in the *Evening News* last night, the murdered man whose body was hidden in the . . . has been identified as Leon Beron, a French Jew, who had lived many years in the East End of London. At present an inquiry is being pursued for two Frenchmen who have been missing since the discovery of the crime.”

Cross-examination continued—I am sure it was the 4th, and not the 6th, that I went to the police station. I went to Leman Street police station on the morning of the 9th.

Where was the accused when you saw him?—About the centre, as near as possible.

How many men were there?—About twelve, I should think.

You thought the police were looking for two Frenchmen?—Yes.

That is what made you connect your fare with this murder?—Yes.

Did you think the police were looking for two men who drove to Clapham or from Clapham?—Looking for two who had been to Clapham and left.

And drove from Clapham?—Yes.

Did you see this police notice of 6th January?—Yes.

If your memory is accurate, that was after you had been to the police station?—Yes.

Then because you picked up two men at Kennington Church and drove them to Finsbury, beyond the fact that you picked up two Frenchmen or two foreigners, there was nothing to connect this fare with the murder?—Nothing whatever.

By Mr. JUSTICE DARLING—I heard the short man speak to the other in a language I did not understand. When the taller man spoke to me he spoke in English, with a foreign accent. I do not know French at all.

Evidence for Prosecution.

Thomas Pithers

THOMAS PITHERS, examined by Mr. MUIR—I am a baker at 213 Lavender Hill. My shop is about 50 yards from Lavender Gardens. The accused entered my service as a baker on 21st September of last year in answer to an advertisement, and he stayed with me until 10th November. I paid him 12s. a week and board and lodgings. The last part of the time he was in my service he went on a round which took him to roads opposite Clapham Common. Alderburgh Gardens was the one nearest the Common.

Cross-examined by Mr. ABINGER—I know Nightingale Lane; it bounds the Common on the south side.

I suppose the accused baked at night?—The bread was baked at night.

And he slept when?—In the day—from half-past ten in the morning until six in the evening.

Was the accused gentle and kind and nice to your little children?—Very nice to them—very kind all the way round. He did a certain amount of work from six to half-past eight, and he came off again about twelve at night. It was during the last ten days when he was in my service that he was on a round.

Re-examined by Mr. MUIR—The round was from about nine in the morning until about twelve noon.

EDWARD HAYMAN, recalled, further examined by Mr. MUIR—When going from Sidney Street to Lavender Gardens on the morning of 1st January the route I took was Whitechapel Road, Fenchurch Street, over London Bridge, High Street Borough, Borough Road, Lambeth Road, Embankment, Vauxhall, Wandsworth Road, then Lavender Hill.

Mr. MUIR—I think that is identically the route that Stephens described.

THOMAS GREEN, examined by Mr. LEYCESTER—I am a clerk in charge of the cloak room at St. Mary's Railway Station, Whitechapel. Exhibit 20 is a ticket given out by me on 1st January of this year at about eleven o'clock in the morning. In respect of that ticket I took in a brown paper parcel, and I attached the counterfoil of the ticket to the parcel. Exhibit 31 is the brown paper which covered the parcel, and the counterfoil is on it. I understood the name given to me by the person who deposited the parcel as "Banman." On 9th January, at Leman Street police station I picked out the accused from a number of other men as being to the best of my belief the man who handed in the parcel.

Cross-examined by Mr. ABINGER—I take particular notice of names in the booking office.

Re-examined by Mr. MUIR—I take particular notice of names because of special instructions.

Steinie Morrison.

Harold Clockfield

HAROLD CLOCKFIELD, examined by Mr. LEYCESTER—I am a clerk in the cloak room at St. Mary's Railway Station, Whitechapel. On 8th January Detective Sergeant Nursey brought me a ticket, exhibit 20. I looked up the parcel that had the counterfoil of the ticket on it. The counterfoil had the name "Banman" on it. I saw Sergeant Nursey open the parcel. It contained a towel, a revolver, and a box of cartridges.

AARON WEISMAN, examined by Mr. LEYCESTER—I am an incandescent mantle dealer in Walworth Road. I know a man named Max Frank, jeweller, 8a Southwark Bridge Road; I have done business with him. (Shown exhibit 22)—I gave that cheque for £19 7s. 6d. to Mr. Frank on 13th December.

WALTER ELLIS, examined by Mr. MUIR—I am cashier at the London and North-Western Bank, Walworth branch. (Shown exhibit 22)—I cashed that cheque on 21st December, giving two £5 notes (exhibit 23) and £9 7s. 6d. for it.

Cross-examined by Mr. ABINGER—I keep a register showing the numbers of notes paid out.

ABRAHAM STITCHER, examined by Mr. LEYCESTER—I am a second-hand clothes dealer in Commercial Road, Spitalfields. I have done business with Isaac Flitterman. (Shown exhibit 7)—I handed that cheque to Isaac Flitterman on 1st January. It is made payable to M. Jess, because I thought that was his name. It is his brother-in-law's name.

Cross-examined by Mr. ABINGER—Eva Flitterman used to work for me about six months ago. I gave her the sack. I have seen her about this Court every day.

ISAAC FLITTERMAN, examined (through the interpreter) by Mr. MUIR—I was living at 18 Thrawl Street, Spitalfields, on 1st January. I am a second-hand clothes dealer. (Shown exhibit 7)—I got that cheque from Mr. Stitcher on the Sunday afternoon. After I got the cheque I was at home. My sister Eva was there, and also the accused.

Did anybody change that cheque for you?—This man (indicating the accused). At first he intended giving me a paper for £5. He took it out from a purse and wanted to give it to me, but I say I do not know what it is. I noticed there were several papers like this. He gave me eight half-sovereigns. He also gave two sovereigns to my sister Eva for a costume. He took the money from a paper bag from the Bank.

HARRY JEFFRIES, examined by Mr. LEYCESTER—I am a detective constable of the H Division. From 6th to 8th January I and Detective Bellinger were keeping watch upon 91 Newark Street.

Evidence for Prosecution.

Harry Jeffries

At 9.20 on the morning of the 8th I saw the accused go to that house. When he arrived he was carrying a brown leather bag, a small brown paper parcel, and a walking stick, which I now identify. He went into the house, and then he left after a few minutes and went to 111 Commercial Road, where some people called Abraham lived. He was still carrying the same things. From there he went to 27 Fieldgate Street, Whitechapel, a restaurant, and he went in there. I then communicated with Detective Inspector Wensley, and he arrived with several other officers, and we all went into the restaurant. Detective Inspector Wensley said, "Stein, I want you," and then he and I seized hold of the accused, who was sitting at a table, and searched his pockets. He said, "Don't get putting anything in my pockets." I assisted Sergeant Brogden to take him to Leman Street police station. On the way to the station he said, "This is the biggest blunder you have ever made, and I suppose it is not the first you have made, but you have made one this time." Up to that time no charge had been mentioned. When we arrived at the police station he was searched and put into a cell. During the whole of the time I was in his company no charge of murder was mentioned, nor was the name of Leon Beron mentioned at all.

Cross-examined by Mr. ABINGER—Did you say this at the Police Court—"Inspector Wensley did not say, 'I arrest you for murder' "?—Yes.

"I did not know myself at the time that he was wanted for murder" ?—Yes.

"Yes, I did know he was wanted for murder. When I said 'I did not' it was a slip." Did you make that statement, was it read out, and did you sign it at the Police Court?—Yes, I did.

Re-examined by Mr. LEYCESTER—It was in cross-examination, and I think I got excited, but I cannot explain it. I immediately corrected it in the next sentence.

JAMES BELLINGER, examined by Mr. LEYCESTER—I am a detective of the W Division. I was keeping watch with Jeffries at 91 Newark Street, and I saw the accused going there. Along with Jeffries I followed him to the restaurant in Fieldgate Street. I was outside when he was arrested, and I afterwards went to the police station. During the whole of the time I was present there was no charge against him mentioned at all to my knowledge.

FREDERICK WENSLEY, examined by Mr. MUIR—I am a detective inspector of the Metropolitan Police, H Division, stationed at Leman Street. At 10.15 in the morning of 8th January I went to a restaurant at 27 Fieldgate Street, Whitechapel, and saw the accused there, sitting down just inside the door. I said to him, "Stein, I want you." Sergeant Brogden and Detective Jeffries seized the accused and began to search him, and he said, "Don't you get putting any-

Steinie Morrison.

Frederick Wensley

thing into my pockets." He was taken to Leman Street police station by those two officers, and I followed them. At the police station I said to the accused, "What is your name and where have you been residing?" and he said, "You know my name; I am living at No. 4 Whitfield Street, W. I picked up with a girl a week ago, and have been living with her since at 116 York Road, Westminster. I did not go home last night, as I lost the last train, so I stopped with Mrs. Simmons at No. 32, in the buildings at James Street." I told him that he would be detained, but I did not charge him with murder at all. I did not mention Leon Beron's name or the Clapham murder in his hearing. About noon the same day I received a communication from Inspector Mackenzie, and I went and saw the accused in a room at the station. I said to him, "I understand you want to see me to make a voluntary statement." He said, "Yes, you have accused me of a serious crime; you have accused me of murder." I said, "I have done nothing of the kind." He replied, "You told me that you wanted me for a serious crime, and that it was murder, and I want to make a voluntary statement." I said, "I am expecting Inspector Ward here, who is dealing with this matter, very shortly; I would prefer him to take your statement." He replied, "That will do just as well." I had not told him that I wanted him for a certain crime. I communicated with Inspector Ward, and he saw the accused in my presence, who dictated a statement in my presence to Inspector Ward.

Cross-examined by Mr. ABINGER—What was the date of the Houndsditch murders?—On the night of the 16th December.

And may I take it from that date up to now you have been endeavouring to find the perpetrators of those abominable murders?—Yes.

You are in charge of that case?—So far as the Metropolitan Police are concerned.

When was Josef Federof arrested?—I can tell you by reference to my note. I think it was the 22nd December.

He is accused of being concerned in connection with that transaction, is he not?—He is.

When was Jacob Peters arrested?—The same day.

For the Houndsditch murders?—Yes.

When was Duboff arrested?—I am not sure. He was arrested at Shepherd's Bush. I was not there.

Peter the Painter has not been arrested?—He has not.

Do not answer this question if you think on the grounds of public policy you should not answer. Are the police looking for persons besides Peter the Painter in connection with the Houndsditch murders?—I do not think it desirable to answer that question.

Beron, you know, was murdered on the 1st January?—Yes.

When was Sidney Street surrounded?—On the night of the 2nd January.

Evidence for Prosecution.

Frederick Wensley

Was that in consequence of information received by the police?
—Yes.

Was there a man in that building named Fritz Svaars?—Yes.

He died in that building?—Yes.

Did you know that anarchist club in Jubilee Street?—Yes.

You shut it up, did not you?—Yes.

And very properly shut it up. I think we know now geographically, but I should like to have it confirmed by you, Jubilee Street is either the next, or close to Sidney Street?—A matter of 200 yards.

What class of tenants are they in Jubilee Street?—Foreign humble people.

What number in Jubilee Street was the anarchist club?—I could not give you the number.

I want you to tell the learned judge and the jury whether Nos. 4 and 5 Jubilee Street are the humble class tenements that you have been describing?—Yes.

How many floors have they?—I am not quite sure, but I think they have one floor and an attic above it.

The deceased man lived at 133 Jubilee Street?—Yes.

Have you seen his landlord?—No, I have not.

Did you know the deceased man?—I did.

How long had you known him?—Four or five years—probably longer.

Did you know his brother Solomon?—I do.

Did you know David Beron?—Yes.

Have you seen him here?—I have not seen him here.

Did you see him at the Police Court?—No.

Do you know where he is?—No, I do not know where he is at the present moment.

Did you know that Beron's father lived in Nightingale Lane?
—I heard so.

Recently?—Yes.

Since the Police Court proceedings or before?—Just before.

Just look at this handkerchief (exhibit 32 handed). That is considerably bloodstained?—Yes.

Do you see there is a laundry mark in ink in the corner?—There is a mark "109" in both the corners, and there is something else in each corner besides the "109."

When did you first see this handkerchief?—The first time I saw it was at the Police Court. I do not know where or when or by whom it was found.

Have you been to the laundry where Morrison's linen was washed?—Yes.

And have you inspected the laundry mark which is upon his linen?—No, Inspector Ward inspected it and I was with him.

In the police notice of the 6th January I find this—"Two men

Steinie Morrison.

Frederick Wensley

and drove them to Clapham, also if any driver picked up one or more men in neighbourhood of south side Clapham Common."

Can you tell us why the police directed the attention of drivers to the neighbourhood of the south side of Clapham Common?—No.

I see on this plan which has been put in by my friend, Mr. Muir, Nightingale Lane appears?—I am sure I do not know; I have had nothing whatever to do with that part of the inquiry.

Nightingale Lane is due south of Clapham Common?—Yes.

The statement goes on "or Clapham High Street between 2 a.m. and 6 a.m., 1st inst., going in the direction of London."

Mr. JUSTICE DARLING—Well, Mr. Abinger, what is the question?

Mr. ABINGER—One has to be so careful in a case of this kind in forming one's question. (To witness)—How many officers were there present when Morrison was arrested?—Five—four besides myself.

He was sitting at breakfast, was he not?—He was sitting down.

Reading a paper?—He was not reading a paper when I spoke to him.

It was rather exciting, was not it—five men?—Well, I do not know about excitement—the excitement that attends the arrest of persons.

He said to you—"You have accused me of a serious crime—you have accused me of murder"?—That was at the station.

He was seized by some officers, I suppose?—Yes, Sergeant Brogden and Detective Jeffries both put their hands round him.

Did you not say to him "Steinie" or "Stein, I want you for murder"?—I did not.

You said at the police station when you told him you had not, he said "You told me that you wanted me for a serious crime, and that it was murder"?—That is what he said at the police station. yes.

"I want to make a voluntary statement?"—Yes.

Re-examined by Mr. MUIR—I am the officer of the Metropolitan Police in charge of the inquiries relating to the Houndsditch murders, and I am acting in combination with the officer of the city police. He is also inquiring into the same matter, and he and I communicate our information to each other. What is known to the police of those murders is known to me.

You have known Leon Beron for four or five years, or possibly longer?—That is so.

So far as you know was Leon Beron in any way connected with the persons responsible for the Houndsditch murders?

Mr. ABINGER—I object.

Mr. JUSTICE DARLING—Do not answer that for a moment.

Mr. ABINGER—I submit any answer to that question must be a guess. How can a witness take upon himself the functions of a

Evidence for Prosecution.

Frederick Wensley

judge and jury and hazard a guess whether a particular person is concerned in a particular offence?

Mr. JUSTICE DARLING—He is not asked to take upon himself the functions of a judge or jury. He is asked so far as he knows is Beron connected with the Houndsditch murders. What is the objection to that?

Mr. ABINGER—I do not object if my friend asks him as far as he knows.

Mr. MUIR—That is what I did ask.

Mr. JUSTICE DARLING—What is the answer?

By Mr. MUIR—So far as you know was Leon Beron connected with the Houndsditch murders?

Mr. ABINGER—I do not want to interrupt my friend, but I have never suggested that he was, and I never do suggest that he was.

By Mr. MUIR—In the course of your inquiries into the Houndsditch murders information was given to you by informers?—Certainly.

Was any information of any kind given to you with regard to these Houndsditch murders by Leon Beron?—No.

Do those dates that have been put to you, the date of the Houndsditch murders, 16th December, the date of the arrest of Federof and Jacob Peters, and the date of the surrounding of Sidney Street, so far as you know, have any connection whatever with the murder of Leon Beron?—None whatever.

You have been asked as to numbers 4 and 5 Jubilee Street. Those are houses occupied by Mrs. Deitch?—Yes.

Have you got access to the police records with regard to the houses in Jubilee Street and elsewhere?—Yes.

Are they well conducted?—Yes.

So far as you know were those two houses respectably conducted whilst Mrs. Deitch was in them?—Yes, the records have been searched since yesterday for the purpose.

Have you seen David Beron since the murder of his brother?—No.

Is he in London as far as you know?—Yes.

And could be brought here if required?—Yes. The last time I saw him personally was two days before the last hearing at Tower Bridge; he came to the police station to see me.

There is no difficulty about finding him if he is wanted?—No.

You were asked whether you knew that Leon Beron's father lived at Nightingale Lane, and you said you did?—Yes.

That is a Jewish Home for incurables?—Yes.

Has a statement been taken from him?—I do not know.

Do you know what his state is?—I understand that he is in a very bad state mentally and physically.

Steinie Morrison.

Frederick Wensley

MR. JUSTICE DARLING—You were asked if you had known the deceased Leon Beron, and you said you had known him for four or five years or more. What was he?—He was reputed to be a man of some means. He apparently did nothing by way of occupation. He was chiefly in this Jewish restaurant in the East End, and he was reputed to be a fairly wealthy man.

Was he known to the police at all?—Only by sight. He had some house property in the East End of London.

WILLIAM BROGDEN, examined by Mr. LEYCESTER—I am a detective sergeant in the H Division. On 8th January I went with Inspector Wensley and other officers to a restaurant in Fieldgate Street, Whitechapel, and I saw the accused sitting at a table there partaking of refreshments. I immediately seized him, in conjunction with Detective Jeffries. Detective Wensley said “Stein, I want you.” I immediately placed my hand round to his hip pocket, and he exclaimed, “Don’t get putting anything into my pocket.” On getting to the station I found some money in his hip pocket. Jeffries and I took him to Leman Street police station, and on the way to the station he said, “This is the biggest blunder you have ever made; I suppose it is not the first one you have made, but you have made one this time.” Up to that time no charge had been mentioned at all, nor had the name of Leon Beron been mentioned. I searched him at the police station and I found on him two Bank of England notes for £5 (exhibit 23), £4 in gold, 5s. in silver, 6d. in bronze, a lady’s gold watch, latch key, comb, and several memos. On the same day, 8th January, I went with Inspector Ward to 116 York Road, and in a room upstairs I saw a woman whom I now know by the name of Florrie Dellow. In the rear of the premises I saw the man Max Frank. In the room where I saw Dellow, Ward and I took possession of a quantity of man’s wearing apparel from different parts of the room, some in a rush basket and some in a portmanteau. At about midnight I again saw the accused at Leman Street, and along with Detective Sergeant Dessent I divested him of the whole of his clothing except his pants and stockings. I identify in exhibits 10, 11, and 12 the collar, the tie, and the shirt which he had on. 12a and 12c are portions of the shirt. I found a small spot of blood on the centre of the collar and on the left side of the tie, and two small spots of blood on the left hand cuff of the shirt. When we were taking his clothes the accused said, “What are you taking my clothes for,” and I replied, “Mr. Ward will tell you that to-morrow morning.” I handed the collar, shirt, and tie to Detective Inspector Ward the following morning. During the whole of the time I was in the accused’s company upon 8th January no charge of murder was ever mentioned to him at all, nor was anything whatever said about the murder of Leon Beron.

Evidence for Prosecution.

William Brogden

Cross-examined by Mr. ABINGER—Did not one of those five officers say, "Steinie, I want you for murder"?—No.

How was the procession formed up in the street? Who held him in the street?—Jeffries had hold of one arm, and I had hold of the other. I suppose that the other three officers were behind us.

Was he reading the newspaper when you went in?—No, he was partaking of some refreshments, either tea or coffee, I should imagine.

You found on him a knife?—Yes, an ordinary penknife (exhibit 24). I think he had his coat off when I went into the restaurant.

You cannot charge your memory as to whether he was reading a paper or not?—I do not believe he was reading a paper; he may have been; there was a paper on the table, I believe. I went along with Inspector Ward to 116 York Road to see Dellow's room, and I should think we were there about an hour and a half. We made a thorough search of her room, and I believe that we took away all the accused's clothing that we found there. Miss Dellow gave us to understand that we had got the whole of his clothing.

Did you turn the mattress of the bed over?—We turned everything over, I may say. We went into Frank's room, but we did not search there. I should think it would be about twelve noon when we got to 116 York Road. There was a quantity of clothing in the gladstone bag and the rush basket which are in Court.

Was there any dirty linen in the room?—That I could not say. I know we did not take possession of any dirty linen. At that particular time the whole of the wearing apparel was taken possession of and made a parcel of, and, in company with Inspector Ward, I subsequently went to Brixton police station, and it was left there for other officers to scrutinise and examine.

Did you see the woman named Eva Flitterman?—Yes, I saw her in her house, Thrawl Street, Brick Lane, on 10th January, along with Detective Sergeant Edwards, W Division.

Did you hear that woman swear at the Police Court that you asked her whether she had seen the £5 gold piece upon Morrison?—No, she did not swear that. She suggested that some other officer had shown her a £5 piece, but she did not suggest that I showed her one. She pointed me out in the Court as the officer who came to her at Thrawl Street, but not as the officer who showed her the £5 piece. She never told me, or any one in my presence, that she had seen Morrison wearing a £5 piece.

You know she swore at the Police Court that she had seen Morrison wearing a £5 piece?—Yes. After she had given her evidence at the Police Court she went to the police at Leman Street and said it was not true. She did not see me, as I am attached to the Commercial Street police station.

Were you at the police station when a £5 piece was brought by the police constable for her to inspect?—I was not.

Steinie Morrison.

Henry Dessent

HENRY DESSENT, examined by Mr. LEYCESTER—I am a detective sergeant of the H Division. I was one of the officers who took part in the arrest of the accused. I went inside the restaurant, and then I accompanied him to the police station. During the whole time I was present, I heard no mention made of the charge of murder or of Leon Beron.

Cross-examined by Mr. ABINGER—The accused was not reading when I went into the restaurant. There may have been a paper on the table in front of him, but I cannot say. He had his coat off.

CHARLES STAFF, examined by Mr. LEYCESTER—I am a police constable in the H Division. On the morning of 8th January I was on duty at Leman Street police station. After the accused was brought there, from about 10.30 to twelve noon, he was left in charge of me and another officer named Harris. During the whole of that time nothing whatever was said to the accused by anybody about any charge of murder. About twelve o'clock he said to Harris, "I want to make a confession. Will you take it down?" I then fetched Inspector Mackenzie.

Cross-examined by Mr. ABINGER—I put it to you he said, "I want to make a statement"?—No, he said, "I want to make a confession; will you take it down?"

JOHN HARRIS, examined by Mr. LEYCESTER—I am a police constable of the H Division. On the morning of 8th January, Police Constable Staff and I were in charge of the accused at Leman Street police station from 10.30 until noon. During the whole of that time nothing to my knowledge was said about any charge of murder. About noon, in consequence of what the accused said, Inspector Mackenzie was sent for.

RODERICK MACKENZIE, examined by Mr. LEYCESTER—I am a police inspector of the H Division. I was on duty at Leman Street police station, in charge of the station, on the morning of 8th January, and I was there when the accused was brought in by Detective Inspector Wensley and other officers. The accused was left in charge of Constables Harris and Staff until about mid-day, when, in consequence of a message, I went and saw him in his cell. He said, "I want to speak to Mr. Wensley. I have a confession to make. This is a serious matter, and I want to clear myself." I said, "Very well, I will send for Mr. Wensley at once," which I did.

During the time that the accused was detained at Leman Street, was he detained upon the charge of murder or not?—Not upon the charge of murder.

Cross-examined by Mr. ABINGER—I suggest to you that the accused said, "I want to make a statement to clear myself"?—No, he used the word "confession."

Evidence for Prosecution.

Richard Nursey

RICHARD NURSEY, examined by Mr. LEYCESTER—I am a detective sergeant of the W Division. On the evening of 8th January I went to the cloakroom at St. Mary's station, Whitechapel, and took with me the cloakroom ticket, exhibit 20. They handed to me the parcel, exhibit 21, which contains a revolver, loaded in six chambers, and a tin box containing forty-four cartridges which fitted it, wrapped round with a towel. I got the ticket from the lining of a black hard felt hat which was handed to me at Brixton police station by Detective Inspector Ward.

ALFRED WARD, examined by Mr. MUIR—I am divisional detective inspector of the W Division. At 9 a.m. on 1st January I went to Clapham Common and saw the dead body of a man lying in some bushes. The body was taken to the mortuary and photographed there in a standing position for the purposes of identification. A rent book had been found in the pocket by Dr. Needham. I searched the pockets at the mortuary, and found a halfpenny, a tobacco pouch with tobacco in it, a pair of gloves, two keys, a handkerchief, some pieces of black paper, and two paper bags, one of which contained some pieces of ham sandwich (paper bags now put in and marked exhibit 48). The remains of the ham sandwich were in the right-hand overcoat pocket. I made inquiries and caused steps to be taken. Amongst the people that I saw were Solomon Beron and David Beron. I did not see the father; a statement was taken from him by Detective Jones. I directed a watch to be kept on 91 Newark Street. The accused was arrested, having been seen coming from that house on the morning of 8th January. I received a communication from Inspector Wensley, and I went to Lemman Street police station about 11.30 that morning. I saw the accused, but we did not speak. I saw him again in the afternoon, along with Inspector Wensley, who introduced me. The accused said that he wanted to make a statement. He said, "I understand I am detained here on a very serious charge of murder, I am told, and I desire to make a voluntary statement." I said, "Very well, perhaps you will tell us verbally what it is; we shall understand it, and then we can write it down correctly." He spoke verbally first, and subsequently made a statement which was typewritten, and which he afterwards read over and signed in my presence. I saw the statement being taken down by the typist, and I could see that what was being taken down was what the accused said. He was then put back in the cells and detained.

I afterwards directed the whole of his clothing to be taken from him. I saw him again at Lemman Street on 9th January, and gave him his own clothing. He asked me what we wanted to take his clothes from him for, and I said, "There are blood stains on the cuff of your shirt and also on the sleeves, on your collar, and on your tie." He said, "That is not blood at all. That is mud that I got

Steinie Morrison.

Alfred Ward

yesterday." I told him that he would be put up for identification, which was done, and he was identified from among twelve other men by nine persons. He was allowed to stand where he chose. He was then taken to Brixton police station and charged with the wilful murder of Leon Beron. He said, "All I can say is that it is a lie." I took the shirt, the collar, the tie, and a number of other articles of his clothing to Dr. William Robert Smith, 37 Russell Square, and left them with him for examination.

On 8th January Sergeant Brogden and I searched the woman Dellow's room at 116 York Road, and among the articles I took away there was a black bowler hat—the one referred to by Sergeant Nursey to-day—in which the ticket was found.

On 1st February, with Sergeant Cooper, I drove in a hansom cab, driven by the witness Stephens, from the corner of Sidney Street and Mile End to the corner of Lavender Gardens, Lavender Hill. We left about eleven o'clock at night, and the journey took thirty-eight minutes. On 3rd February Sergeant Cooper and I walked from the corner of Lavender Gardens to Clapham Common, and by the nearest footpath to the spot where I had seen the dead body on 1st January. Walking at a moderate pace, it took us ten minutes. On the same day I walked from where the dead body was to the cab rank at Clapham Cross, down the path from where the body was to the junction of Bishop's Walk, and, walking at a moderate pace, it took us ten minutes. On 1st February I drove in Stephens' cab from the Clapham Cross cab rank to opposite Kennington Church in the road, and the journey took eleven minutes. From the Hanover Arms I drove back to the corner of Claylands Road, and then turned round and went to the Elephant, the journey from the Hanover Arms to the Elephant taking sixteen and a half minutes.

I found in a gladstone bag at 116 York Road the pawn ticket (exhibit 63) dated 23rd December, 1910, for the pawning of a gold albert for £4 10s., in the name of Stanley Morris, 16 Sidney Street. I have been to 16 Sidney Street, but I have not been able to find any such person as Stanley Morris. I have seen the accused using his left hand to write. Besides the clothes I have mentioned, I got back from the accused a suit of clothes which I gave him on 9th January, and I submitted this to Dr. Wilcox. Besides being put up for identification on 9th January, the accused was put up for identification on the 17th, along with nine other men, at the South-Western Police Court. The two cabmen, Hayman and Stephens, were called in to see if they could identify him. Those were all the identifications that took place.

The Court adjourned.

Fourth Day—Thursday, 9th March, 1911.

ALFRED WARD, recalled, cross-examined by Mr. ABINGER—You produced yesterday, I think for the first time, two paper bags which you found in the pocket of the deceased man?—Yes.

Was there anything inside those paper bags when you found them?—In one of them there were some pieces of bread and ham—small pieces. There was nothing in the other bag.

Did you preserve the remnants of that ham sandwich?—No.

Have you been to the address on that bag—"Wright & Son, Royal Standard Arrowroot Biscuits, 183 Commercial Road"?—No.

And at the back it has just "Sandwich Biscuits"?—Yes.

By Mr. JUSTICE DARLING—What sort of shop is 183 Commercial Road?—It is a refreshment shop—ordinary refreshments, ginger beer. I know that from what Sergeant Cooper told me.

Cross-examination continued—You were early upon the scene of this murder, were you not?—Yes, I should think between nine and ten some time—perhaps before.

We have been told by a constable that there were upon 'the soft mould impressions of feet—footprints?—Yes.

Did you see them?—No. The mould had certainly been shifted as if some one had been walking about, but there were no distinct footmarks. It was not mould; the ground is very hard.

It was not a frosty night, was it?—No.

Had it been raining?—No.

Did you see the deceased man's hat?—Yes. It was on the grass just by the back of the head, about 4 yards, I should think, from the head.

Not broken?—Not broken.

Was there any sign of a struggle in that brushwood—it is short brushwood, is it not?—No, it was not short brushwood. It was high bushes.

Was there any sign of a struggle in 'those high bushes?—No.

No broken wood?—No.

Do you know if the body had been moved before you got there?—I do not think it had, except as far as the doctor had moved it to examine the body.

Had a quantity of leaves been collected under the head in a sort of pillow?—No.

Is there a watchman's hut on Clapham Common?—There was a watchman's hut near the road that runs parallel with the long path. It is shown on the map, with a cross, near the Bishop's Walk.

What is the name of the watchman?—I do not know.

Steinie Morrison.

Alfred Ward

Have you inquired?—He was seen by Sergeant Hawkins, who is at present very ill in bed, and a verbal report was made to me.

Did you ever reduce that verbal report into writing?—No.

It is rather an important fact, is it not?—Not at all.

Within how many feet from where you saw that body was that watchman's hut?—200 or 300 yards, I should think.

Did you ascertain if the watchman was on watch during the night and morning of the 31st December and the 1st January?—The watchman was there.

What is the name of that watchman?—I do not know.

Who does know?—Sergeant Hawkins.

Did you ever mention the fact that there was a watchman within 160 yards of this spot before I put the question to you to-day?—No.

Now let us come to the Common keeper's hut. Have you ascertained whether there was a Common keeper in the hut that night or in the following morning?—There was not.

Have you seen the Common keeper?—I have seen several there.

I accept it from you. Can you tell us whether it is the custom or not for the Common keeper to be in his hut at night-time?—It is not the custom.

How many watchmen are there on duty in Clapham Common at night?—I do not think there are any.

This man we are talking of who was interviewed by Sergeant Hawkins I gather is on the boundary of the Common?—Yes. They were repairing the road; he had something to do with the road, and nothing to do with the Common.

Is there not at the back of the clump of bushes a horse drive?—By the side of the road that runs down at the back.

Mr. JUSTICE DARLING—The horse drive is separated from Clapham Common by a belt of trees?—Yes, there is part of the Common, then comes the road, and then the horse drive is on the other side.

Cross-examination continued—Can you kindly tell us whether there were any lamp posts on the plan marked from the fountain down to Bishop's Road?—The plan has all the lamp posts marked upon it. I see I have put the hut too near the scene of the murder. I have put it north of the Bishop's Walk when I should have put it south.

Passing from that subject, did you when you gave evidence at the South-Western Police Court on 9th January say this, "Shortly after he (Morrison) was taken there (Leman Street police station) he sent for Inspector Wensley and subsequently for me. He said, 'I understand that I am detained here on a very serious charge—murder, I am told—and I desire to make a voluntary statement' "?—Yes.

"I said, 'Very well, perhaps if you tell me verbally what it is we shall understand, and then we can write it down correctly.' He did so." That is correct?—Yes.

By Mr. JUSTICE DARLING—"He did so" means that he told you verbally, is that so?—Yes, he told me verbally.

Evidence for Prosecution.

Alfred Ward

Is this the statement that was alluded to yesterday and not put in?

Mr. MUIR—Yes.

Mr. JUSTICE DARLING—Let it be produced, and let me see it.

Mr. ABINGER—May the officer of the Court read it, my lord?

Mr. JUSTICE DARLING—Yes.

The DEPUTY CLERK OF THE COURT—This is headed “Leman Street Station, H Division, 8th day of January, 1911. Name, Steinie Morrison. Address, 116 York Road, Lambeth, S.E. Station. I have sent for Divisional Detective Ward and Wensley and desire to make a voluntary statement in consequence of my having been arrested this morning under the suspicion of murder—Mr. Wensley having told me this. I am an Australian, born in Sydney, brought up in England. I am a confectioner and baker, and now a traveller in common jewellery. During the month of September I obtained a situation as a journeyman baker at 213 Lavender Hill. I should think I was there about ten weeks altogether. I was sleeping there during the whole of that time. I left of my own accord, having saved up about £4. I then commenced to travel in cheap jewellery. I went to reside at No. 5 Grove Street, E., and remained there for two weeks. I bought the cheap jewellery from various persons; you will find the receipt for some of it in my bag. On leaving Grove Street I went to reside at No. 91 Newark Street. I remained there until last Sunday, the 1st, and then went to live with a girl named Florrie at 116 York Road, and have continued to live with her up till the present time. Last night I stayed with a friend named Mrs. Cinnamon, who lives in a building off Grove street—the number is 32, and is next to a grocer’s shop—as I was too late to return to my lodgings. This is my voluntary statement, and all I wish to say. Signature, Steinie Morrison.”

Cross-examination continued—A record is kept of the identification of prisoners by witnesses?—Yes.

Is the time recorded?—I cannot tell you; I have nothing to do with the identifications.

The name of the policeman has been mentioned to us who took Hayman’s statement—John Jones, I think?—Yes.

Is he here?—Yes.

How many persons do you say identified Morrison at Leman Street police station?—Nine.

Tell me them, please?—Alfred Castlin, Thomas Green, Mrs. Deitch, Snelwar, Hermilin, Taw, Rosen, and Monschein and Minnets (*sic*).

Who was Monschein?—A person who identified the prisoner. He has never been called.

Just tell the jury whether all these people were together when they were at the police station?—I cannot tell you whether they were

Steinie Morrison.

Alfred Ward

all together; probably they would be in a room before they identified the man.

Then who was taken out first?—Castlin, then Green, then Mrs. Deitch. They were brought from the room into the charge room, where the prisoner was standing with twelve other men.

Where did they go after they identified the prisoner?—They were taken to a different corner of the room—placed in the telephone room, which is a corner of the charge room—but they did not go back to where the other witnesses were.

Where did you get those twelve men from?—Out of the street.

Adjacent to the police station?—Yes.

The physique of the population near Leman Street is a different sort of physique to that of the accused?—No, there were men equally as well built as he, and as well dressed.

Do you tell the jury that you had this man paraded with twelve fellows as tall as he?—Yes; two men were taller than he.

Do the police keep a record of the names of the persons who are paraded?—No.

Had the prisoner got on that green overcoat, or green motor coat, to use a neutral expression?—Yes.

How were the twelve men dressed?—I think they were nearly all in coats similar to that of the accused.

Well-dressed men?—Yes.

Englishmen?—Yes.

Ten of them identified the prisoner?—Nine. I said ten when I gave evidence before, but I did not count them then.

What time did you charge the prisoner at Brixton police station?—I should think between one and two in the afternoon.

What time did he leave Leman Street to go to Brixton?—About noon.

Upon which day?—On the 9th.

So that the prisoner slept at Leman Street police station on the 9th; is that correct?—On the night of the 8th.

Now, will you kindly look at the police station notice issued by the police on 6th of January. (Exhibit 15 handed.) Was that published under your directions on the 6th?—Yes.

And was it exhibited all over London and the suburbs?—Yes, I should think so.

Let me call your attention to the language of it. There was no description of the man?—No.

I will read it to make it intelligible. "The driver of () cab who between twelve night, 31st December, and 6 a.m., 1st January, 1911, took up at the neighbourhood of East End persons of the following description: Two men, and drove them to Clapham Common; also if any driver picked up one or more men in neighbourhood of South Side Clapham Common, or Clapham High Street, between 2 a.m. and 6 a.m., 1st inst., going in direction of London."

Evidence for Prosecution.

Alfred Ward

I call your attention to the fact that the "neighbourhood of South Side Clapham Common" is mentioned. Clapham High Street is mentioned, but Clapham Common, north side, is not mentioned. Will you kindly tell the jury why you were inquiring about men who had been driven to the south side of Clapham Common and not to the north side?—Because the south side is the main road, and would be the most likely place for a cab to be driven to; secondly, the cab rank is on the south side of Clapham Common, and there is no cab rank on the north of Clapham Common, or any main road—it is very quiet.

Nightingale Lane is on the south side of Clapham Common?—But a long way away—half a mile away.

On the plan with which we have been provided it is marked on the extreme side of the Common abutting?—Nightingale Lane is a road running through; it is not a main road.

Was there a blood-stained handkerchief found on Clapham Common?—Yes.

At what date was it brought to you?—On 2nd January.

That is exhibit 32?—Yes.

Who brought it to you?—A young lady (Miss Saunders) deposited it at Scotland Yard, and it was brought to me by an officer there.

By Mr. JUSTICE DARLING—Is Miss Saunders here?—I do not know. I know she has been subpoenaed by the defence.

Cross-examination continued—You can tell us perhaps whether it was found near the Windmill public-house?—Yes, about 600 yards from the scene of the murder.

You knew that handkerchief had been found at the time you caused some police notices to be published?—Yes.

Just look at the laundry mark. I put it to you that that is a foreign laundry mark. What do you say?—I am no judge of foreign laundry marks, and I am not going to express any opinion about it being a foreign laundry mark, but I should say it is not a foreign laundry mark, according to those I have seen.

The mark is "L.T. 109"?—It looks like that.

That handkerchief was found on the 2nd January at half-past eight o'clock in the morning?—Yes.

Do you tell the jury that the discovery of that handkerchief had nothing to do with the police notice referring to the south side of Clapham Common?—Absolutely nothing to do with it at all. It was found more than twenty-four hours after the body was found.

Just walk with me along the road from the Windmill Place just about where the handkerchief was found in the direction of Clapham Cross. You walk along the road until you come to the Long Pond?—Yes.

I am going to ask you to assume for the moment that the man who committed that murder dropped that handkerchief, and that he

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wiped his hands with it. It is covered with blood, is it not?—I do not assume he dropped it there.

If he wished to get to Clapham Cross he would pass the Long Pond, would he not?—Yes.

If he had a murderous weapon, such as has been described in this case, that would be a convenient place to put it, would it not?—Yes.

Has that Long Pond been dragged?—They are cleaning it out at the present time. It was dry at the time, and there was about a yard of mud at the bottom.

Was it searched?—Yes, a search was made round there.

Was anything found?—No. I ought to alter that answer about nothing being found. There have been several things found.

I mean relating to this case?—Oh, I cannot tell you.

If you walk along the continuation of that road past the Long Pond and strike into Clapham Common Long Road, and if you walk towards that cab rank, it is exactly the opposite direction, as if you were coming across from the Old Town?—Yes.

The spot where Stephens says he saw Morrison come?—Yes.

Now, I ask you this question; did the police take any steps to try and discover to whom that handkerchief belonged?—Yes.

Have you seen advertisements inserted in most of the London papers and some provincial papers by the defence offering a reward to laundry men who would discover whose laundry mark that is?—That inquiry had been thoroughly made by the police before that offer appeared.

By advertisement?—No, not actually by advertisement, but by detective officers going to every laundry in London.

And you have not been able to find from any laundry that mark?—No.

On 8th January, the day you arrested Morrison, did you search Florrie Dellow's room?—Yes.

You went there with a friend of yours—a subordinate officer?—Yes.

I think it was Inspector Wensley who told us that you spent an hour and a half there?—Not in searching the room.

Did you go through the man's linen found in that woman's room?—No. Sergeant Nursey went all over the linen, but I do not think he took any notice whether it was clean or dirty at the time.

Has not a list been made of it?—Yes, exhibit 49.

“Green jacket and vest and trousers, boots, spats, leggings, muffler, gloves, one grey scarf, two white silk handkerchiefs, one grey and one blue border, six white pocket handkerchiefs, ten linen collars, one grey Alpine hat, black bowler hat, three pairs of white cotton pants, two white cotton vests,” &c. That is the list?—Yes.

Can you charge your memory as to whether some of that linen was clean and some dirty?—I have seen it since I saw it at the Police Court, and there is one shirt dirty.

Evidence for Prosecution.

Alfred Ward

And how many collars?—Five.

Five dirty collars?—Yes, and I think all the socks were dirty.

If there were ten collars there were five clean and five dirty?—Yes, five clean and five dirty.

How many articles were submitted to the learned medical gentlemen for analysis?—I think the whole of them have been submitted.

Will you tell us the date when they were submitted to those medical gentlemen?—Some were submitted to Dr. Smith on the 10th and others submitted to Dr. Willcox later.

Whilst the case was being heard at the Police Court the prisoner was wearing this green overcoat, was he not?—No.

He never wore the coat, exhibit 14?—Yes, the first time he appeared at the Court he did wear it.

He was wearing that coat on the 17th?—Yes.

And on the 9th?—No.

That coat was taken from him?—Yes, it was taken away from him at the time, I think. It was given back to him on the 17th, in the morning, before he was put up for identification, and it was taken from him in the evening, and he has never had it since.

Then he was wearing it on the 17th, it having been given back to him in the morning, the whole day?—Yes.

Was that greatcoat also sent to the medical gentlemen for examination?—Yes.

And whilst it was being examined by them the Commissioner of Police provided him with another greatcoat?—The Prison Commissioners did.

You told me what was found in Florrie Dellow's room. Of course, you searched it thoroughly?—I took everything from there that she said belonged to him.

I mean to say you searched it thoroughly to see if anything was secreted in the room?—Yes.

Did you search her purse, or examine her purse?—I might have asked her to let us look in her purse, but I am not sure.

Did you examine the room occupied by the man Frank downstairs?—Yes, I had a look round. I did not particularly search there.

Has his shop ever been searched?—Yes, by Sergeant Hawkins, on the 9th.

Did Sergeant Hawkins take away with him a large number of the works of different watches?—Yes, and handed them back again to the man.

How many did he take away?—I could not tell you.

A large number—twenty or thirty?—Yes, probably.

Did not Florrie Dellow hand you some dirty linen taken from a rush basket under the bed?—No, she did not.

I accept from you that that drive was fairly conducted with Stephens, and it took thirty-seven minutes?—Yes, I timed the distance, and it was thirty-eight minutes.

Steinie Morrison.

Alfred Ward

The pipe has been referred to as having been found on Clapham Common?—Yes, a briar pipe.

Did you pick it up?—No, it was picked up by some man and handed to the constable (M'Ewen) who was there at the time.

Were you in Court when Snelwar, the proprietor of the Warsaw Restaurant, gave his evidence?—Yes.

Did you hear him swear that the deceased man, Beron, used to smoke a white pipe—a clay pipe?—Yes.

Was any tobacco found upon the deceased man?—Yes, a pouch full.

Any clay pipe?—No.

Could you tell how far that pipe was found away from the body?—I cannot tell you exactly, but it would be about 40 yards. I was shown the spot where it was found. It was found in the bushes near the bandstand—going towards the bandstand—just about there. It was 20 or 30 yards away.

On the grass?—No; just off the path, on the mould. There is no grass under these bushes there.

There is an asphalt path, and then railings?—There are no railings on the right. There are on the Common side, but not on that side. It was found on the side where there are no railings.

Did you see M'Ewen pick it up?—No. While M'Ewen was there a man passed along the path and picked the pipe up and handed it to the constable, as I understand it, and the constable handed it to me.

There was another handkerchief picked up under the body of the dead man, was there not?—Lying beside the body—partly under the body.

Was there any blood on it?—I cannot say offhand whether there was.

Did you go to the laundry where the prisoner used to send his washing?—Yes, the Japanese Sanitary Laundry, 51 Beresford Street, Commercial Road. I went there on 16th February.

And did you take away the prisoner's clean linen from there and pay for it?—Yes, 8d., I think.

What did you take away?—There was one shirt, two or three collars, two handkerchiefs, one or two pairs of socks, a sheet, and a large bath towel.

Do Japanese do the washing there?—No, it is a Russian Jew who keeps it; that is simply the name of the laundry; it is known as "The Japanese Sanitary Laundry."

Were you at the South-Western Police Court on 17th January?—Yes.

Were you present when Hayman and Stephens were taken there for the purpose of identifying the prisoner?—I was present at the identification, but I had nothing whatever to do with it beyond that.

Who had?—The police inspector on duty at the Police Court.

Evidence for Prosecution.

Alfred Ward

Who is that?—I do not know who he was.

Did you see Stephens and Hayman arrive or go away?—No.

Have you made inquiries at the home of the aged Jews?—I have had inquiries made there. I have made inquiries myself over the telephone only.

Did you say that Beron's father is of unsound mind?—He is a very old man, but I do not know about his being of unsound mind; he is very, very feeble.

Re-examined by Mr. MUIR—I found among the prisoner's belongings a number of bills. A number of them have been exhibited, but there are five that have not (exhibit 31A).

Those that were produced at the Police Court were put in at the request of Mr. Abinger?—Yes.

Your evidence at the South-Western Police Court on the 9th January was read, in which you said the prisoner said, "I understand I am detained here on a very serious charge—murder, I am told—and I desire to make a voluntary statement." You said, "Very well." To what part of the prisoner's observation did you assent when you said "Very well"?—When he said, "I want to make a voluntary statement," I said, "Very well." The witness Monschein, who identified the prisoner on 9th January, was a person from whom I had taken a statement. His statement was submitted to those conducting this prosecution, but he was not called as a witness. With regard to the exhibit No. 32—a blood-stained handkerchief which was found by Miss Saunders—I endeavoured to see whether that could be connected with either the prisoner or the deceased man or anybody else, but I failed to connect it with anybody at all. Some pieces of iron were brought to me as having been found in the mud in the Long Pond, and I caused inquiries to be made with regard to them, but, as far as I have learnt, they have nothing to do with the crime. I saw the works of the watches which were taken away from Max Frank's shop, about thirty, I should think. There are no cases to any of these works. I was in Court when Solomon Beron identified the briar pipe as his brother's. I have had inquiries made with regard to that briar pipe. I do not know the name of the man who picked it up, because he gave an address, and, upon inquiry there, no such person was known. The pipe was identified by Solomon Beron at the inquest, and also here. I did not pursue the matter further. A pouch of tobacco was found upon deceased, but no pipe or cigarette papers. I saw the leaves that were under the head of the deceased man. A few leaves, apparently, had been dragged up as the body had been dragged in, and rested across the shoulders. There were two watchmen, one night and one day. I gave directions for a statement to be taken from the night watchman.

Mr. ABINGER—There is no point in this. I accept what the witness says. I forgot to ask Inspector Wensley a question on an important part of my case.

Steinie Morrison.

Frederick Wensley

FREDERICK WENSLEY, recalled, further cross-examined by Mr. ABINGER—You are the officer who took the statement of Eva Flitterman, are you not?—Yes.

Did she make a statement to you, and was it reduced into writing, and did she sign it?—Yes, she did.

At the Police Court you were unable to find the original statement?—I think it was put in.

You may be right, but my recollection is that it was not found.

Mr. MUIR—The original was put in at the inquest; that is why it was not produced. We have it now.

Mr. ABINGER—I have called for it and put it in. I am going to read it. “Leman Street Station, H Division, 21st day of January, 1911. Name, Eva Flitterman; address, 18 Thrawl Street, Spitalfields, E.; age eighteen; occupation, tailoress. Statement—I am single, and reside with my mother, a widow, at above address; my father died on the 4th ult. On Saturday, the 24th ult.—that is, December—I was introduced to Steinie Morrison by a man who I know as Issy, and who at that time resided with his wife, Nancy, at No. 2, a street (Harding Street) opposite the Penny Bank, Commercial Road, E. This was the first time I had seen Morrison. He was wearing a gold watch and chain. I saw the watch; it was like a lady's watch; there was a £1 piece on the chain. I again met him at 6 p.m. Monday, the 26th ult., at the corner of Newark Street, and we went for a walk. I left him at 10 p.m. He told me he was a single man, and was living at 91 Newark Street; he said he was a jewellery traveller, and asked me to visit his lodgings; he said he would introduce me to his landlady. At 6 p.m., Wednesday, the 28th ult., I went with him into the front room on the ground floor, and he told me that this was his room; he had a large box in the room. We remained in the room about four hours, and during that time he showed some photographs, one being of a young lady and one of himself and of two other young men; he told me that they were his brothers. He also took from the bottom of the box a small brown paper parcel tied up with string. This he untied, and I saw that it contained a flute; he played the flute to me. He had introduced me to the landlady on my entering the house, and either her or her two children were in and out of the room during my stay there; we were not left alone. We left the house at about 11 p.m., and he walked part of the way home with me. He said as we were walking along, ‘Would you like to stop at my place with me all night?’ I considered him to be joking, and I replied, ‘If you marry me, then I will stay with you always; I am a respectable girl.’ We separated at the corner of Thrawl Street and Brick Lane. At about 8 p.m., Friday, the 30th ult., I was in Osborn Street, Whitechapel. I looked in the door of No. 32, a Jewish restaurant, and I saw Morrison there. He noticed me and came outside, and asked me to go with him to a theatre. I refused, and we went for a walk. I left him at 10 p.m. I did not

Evidence for Prosecution.

Frederick Wensley

see him at any time during the next day, Saturday, the 31st ult. Between 7 and 8 p.m. on Sunday, the 1st inst., he called at my house; my brother, mother, also my married sister were there at the time. He remained with us in the kitchen for about three-quarters of an hour, and we talked about different things; we were all together the whole of that time. He told my mother that he would like to marry me, and he showed me some money, gold, which was in a paper bank bag, and what I thought was cheques. He was wearing a gold chain, similar to the one produced; it had a £5 piece on it; I asked him where he had got the £5 piece from, as it was the first time I had seen it on the chain, similar to the one described above. He replied, 'It is Paris gold; I have got it from Paris.' He gave me £2, and changed a cheque for my brother for £4, and paid my brother in half-sovereigns. He left at about 8 p.m., and I walked to the corner of the street with him. Before saying good-night he told me he had left his umbrella at my house; I remembered him coming into the house carrying an umbrella, but I knew that he had no stick or parcel with him on that Sunday night. On Monday, the 2nd inst., he called twice during the day. The first time was in the afternoon; my sister's little boy came upstairs and said, 'A gentleman wants you, mother.' My sister Rachel was there, and she said, 'That's for you, Eva.' I then went downstairs, and there saw Morrison. He said to me, 'Will you go with me to a friend named Rotto, who lives at Tottenham Court Road, and then go on to a music hall?' I said, 'My mother will not let me go,' and he went away. He called again between 7 and 8 p.m. the same day, and stayed about an hour, but I am not sure as to the exact time that he left. On entering the house he took his overcoat off, and I then noticed that he was wearing a similar gold chain, but the £5 piece which I had seen him wearing the previous evening (Sunday) was missing. I have been shown a £5 piece by the police, but not mounted, and it was similar to the coin I saw on Morrison's chain on the 1st inst. I said to him, 'Where is the five-guinea piece.' He replied, 'I have pawned it,' but a few minutes afterwards he said, 'I have changed it for a gold watch.' I asked him to let me see the watch. He said, 'I shall get it from the watchmaker's to-morrow.' About 10 a.m., Tuesday, the 3rd inst., I was in the workshop at 75 Commercial Street when my mother came to me and said Morrison wanted his umbrella, and as I had taken it to the workshop with me, I gave it to her. On Sunday evening, the 1st, when Morrison came into our house, my mother, my married sister Becky Yess, and my brother Isaac and I were in the house. As Morrison (who had told me his name was Harry) was leaving the house that night, my brother-in-law, Morris Yess, came into the house. We never made any appointments, but I gave Morrison my address, and when he wanted to see me he came to our house. He gave me the address, 32 Osborn Street, the cook shop, and when I

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wanted him I went there for him. When Morrison left on Monday, the 2nd inst., he promised to come and see me on Sunday, the 8th, but he never came. I first learned that he had been locked up on Wednesday, the 12th inst., when I saw his photograph (placard) outside of a shop. The half-sovereign (mounted) shown me by Inspector Ward is similar to the one I first saw Morrison wearing on his watch chain. I have this day, 21st inst., been shown a brown parcel tied up with string, which is like the one that Morrison took out of his box at 91 Newark Street when I went there with him on Wednesday, the 28th of December last. The contents of the brown paper parcel was shown to me by Inspector Ward, and it is the same flute as Morrison took out of the parcel and played a few notes on. I have been in England fifteen months, and I have been employed, with the exception of when work has been slack, for the whole of the time. I have also lived with my parents the whole of the time. Eva (X) Flitterman, her mark. Taken by me this 21st day of January, 1911. A. Ward, D.D. Inspector. Witnessed by D.D. Inspector Wensley."

Were you at the South-Western Police Court on 16th January?—
Yes.

Did you hear the evidence given by Eva Flitterman in the witness-box?—I did.

In substance did the girl swear in the box to the same effect as the statement which she had made to you?—No.

I put it to you, with the exception of her statement as to the date she saw the £5 piece on Morrison's watch chain, her evidence, to all intents and purposes, was practically the same?—No, I think there was some variation.

I am reading from her depositions taken on 24th January—" I am single, aged eighteen. I am a tailoress. I live with my mother at 18 Thrawl Street, Spitalfields. My mother is a widow. My father died on 4th December last, a Sunday. I know the prisoner. I was introduced to him three weeks after my father died by a fellow named Issy. That day I was about two hours in the prisoner's company. He was wearing a watch and chain; there was a £5 coin hanging on the chain. (Here an interpreter was sworn, and witness's evidence taken through him.) Perhaps it was on a Monday when I first saw prisoner. He was wearing a chain then. It was the same pattern as the chain now produced (exhibit 5). I look at the pendant produced (exhibit 6) on the prisoner's chain. I saw that after I saw the £5 piece. (Question repeated by the interpreter.) I first saw that on the first Sunday prisoner came to our house; that was the Sunday next after the Monday. I saw him four or five times. He asked me to marry him. I have a brother named Isaac Flitterman and a brother-in-law, Morris Yess. I remember one day my brother had a cheque like the one produced (exhibit 7). It was in my house that I saw that.

Evidence for Prosecution.

Frederick Wensley

Prisoner was there; it was a Sunday. My brother gave the cheque to prisoner. Prisoner gave my brother money for it—£4 in half-sovereigns. He took them from a brown paper bank bag from his pocket. I don't know whether prisoner had any other money in the bag. He gave me money the same day; that money he took from the bag; it was £2. He saw my stuff for making costumes on the table. He asked me how much it would cost to make them? I said, '£2.' He took out £2 and gave it to me. I would not take it. He said, 'All right,' and I took it. On that occasion he was wearing a watch chain like exhibit 5; there was nothing hanging on to it then. The time I saw the £5 piece was when he was introduced to me. I spoke to him about that £5 piece on a Sunday when he came up to my house. It was after the Sunday when he changed the cheque. I asked what he had done with the £5 piece, and he said he had pawned it. Afterwards he said he had changed it for a watch. I said I wanted to see it. He said he would show it to me to-morrow. He never showed me the watch. I saw him another Sunday after that. He did not show me the watch. He never told me where he got that £5 piece from. He did not say anything about it. I only looked at it in my hand. I am sure I had it in my hand. It was in Commercial Road, near the Penny Bank. No one else was there, only he and I. I cannot fix the date. I don't remember what day of the week it was. I look at the pendant (exhibit 6). That was not the one. It was bigger than this. I know it was a £5 piece; my father had one, and I know a £5 piece when I see it. On the day my brother got the cheque changed prisoner came at eight o'clock in the evening. He brought an umbrella, nothing else. He left it behind. He got it again on the Tuesday—I think the Tuesday following. I didn't see him that Tuesday. I did not see him after the Monday following that Sunday. I look at the flute (exhibit 4). I saw that in prisoner's house at 91 Newark Street on a Sunday. He took it out of a box. He showed me he could play. I have not seen this lady's chain before. When I spoke to prisoner about the absence of the £5 piece I was in my house. I don't remember what day that was. Cross-examined—I am eighteen years of age. I work for Mr. Stitcher, Commercial Street. I can't tell exactly the number. I have worked for him over a year. Mr. Stitcher is a tailor. I am now living with my mother at 18 Thrawl Street. That is where my father died. He died Sunday seven weeks—seven weeks ago last Sunday. It was a fellow named Issy who introduced me. He used to live opposite the Penny Bank. I don't know where he moved to, but he doesn't live there now. Issy was not a sweetheart of mine. He is married. I know that because he is living with a woman. I don't know the woman. I have never slept with the prisoner. I swear that. I have known him three weeks. It was three weeks after my father died that I first met prisoner, that is, when Issy introduced me to him. That was when I first saw him wearing the £5 coin. My father had a

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£5 coin. When my father died my mother sold that coin and the chain. I don't know where she sold it, but I know she did sell it, because she had no money for the doctor. My mother never told me she sold it, but I knew by instinct. Mother's name is Charyah Flitterman. I don't know how much mother got for the coin and chain. Mother met prisoner in our house. The £5 piece was hanging on the chain. It was hung on the chain through a little ring passed through the coin. I do not know whether there was a hole in the coin. I had the coin in my hand, but I cannot say whether it had a hole in it. I look at the half-sovereign, the pendant (exhibit 6). I cannot say whether the £5 coin was hung on the chain like this pendant would be. I am not quite sure whether the coin had a ring passed through it or not. Prisoner was wearing the chain across his waistcoat quite openly, and, of course, every one could see it. It was last week that the police asked me to give evidence. I can't tell on what day. I think it was Monday. I have forgotten the policeman's name. He came to my house. It was the man I now point out who gives his name as Detective Sergeant Brogden. I was afraid. He said, 'Is your name Eva?' First I said my name was not Eva, and then I said it was. I was afraid. He did not show me the chain (exhibit 5) when he first came to my house. He first showed it to me in the police station, Leman Street, the same day that he showed me the flute. I can't remember what day it was. He showed me the flute and the chain on a Monday, I think. He came first at nine o'clock in the evening, and I went to the station the same night. I did not see the flute and chain that time. He came again and took me to the station, and then showed me the chain and flute. When he showed me the chain he asked me, 'Did you see a £5 piece?' He asked me that before I told him that I had seen a £5 piece. I did tell the policeman my father had a £5 piece, because he asked me how I knew a £5 piece. My father's £5 piece was attached to a chain. I didn't see whether it had a hole, but it hung on the chain. My father's £5 piece was mounted like this coin (exhibit 6). I do not know Florrie Dellow. I have not seen prisoner with another girl, not when I was speaking to him. When he went away from me I don't know where he went. I have never seen him with another girl. Prisoner gave me money once only—£2. I have never slept with prisoner in Newark Street and received money from him for that. I swear I have never slept with the prisoner. I never went into bed with him. I never went to the restaurant with him. I have been to Newark Street with the prisoner. There was no bed in the room. He took me; he said, 'Come to the place where I live'? It was seven or eight o'clock in the evening. I went for nothing. I did not stay long—not more than an hour and a half. I went out with him to the corner of Brick Lane and Thrawl Street. During the hour and a half I was in his room I did nothing. He said he wanted to marry me. It was the second time I met him that he took me to Newark Street.

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I leave off work at eight in the evening. It was between seven and eight I went to his room, work was slack at the time. Re-examined—I am a respectable girl, eighteen years of age. There is no truth in what has been put to me that I took money from the prisoner because I slept with him. During the time I was with prisoner at Newark Street he introduced me to the mistress of the house, and she stayed a while and then went away. She came with her husband and two children, and they stayed a while and then went away also. I came to this Court last week on Tuesday. It was after I came to the Court that they came for me, and I went to the station and saw the chain. I do not know the woman who now comes forward. I never saw her before—that is Florrie Dellow. (On reading over)—I wish to say that I saw the pendant (exhibit 6) before I saw the £5 piece, not after. I saw the half-sovereign on the chain, and I saw the £5 piece on a chain. I saw the £5 piece on the chain first.”

Then she was recalled by my friend Mr. Muir so that I might cross-examine her further on 28th January. “Cross-examined—It is true that I said last week I saw Morrison wearing a watch chain with a £5 piece attached. I now say he was wearing a chain, and there was a coin on the chain, it was not a £5 piece, it looked to me like a shilling. I look at the pendant (exhibit 6). That was not the coin, it was a little bigger than that. It looked to me like gold, not silver. When I said last week that he had a £5 piece on the chain I made a mistake, because I did not know what money was; I asked my mother what my father had on his chain. My mother said it was a £2 piece. When she told me that I went to the police station, Leman Street. I saw a fat man. He asked me to come at half-past nine. I then saw a man who is now in Court (Inspector Wensley). I told him I had made a mistake. He told me I should have to go somewhere else to tell them I'd made a mistake. Yesterday I went to the office of prisoner's solicitors and made a communication to them. It is not true that Inspector Brogden spoke about a £5 piece to me first.” On the 24th she stated that the officer had asked her whether she remembered the £5 piece before she mentioned it at all. That is a serious allegation against the officer. “I remember the officer asking me was my name Eva, and I first denied it, and then said it was (I was afraid). He did not then ask me about the £5 piece. He only asked me to come to the station. If I said he did last week, it was because it was my first appearance in Court, and I was afraid and nervous. I did not understand that prisoner was being tried for murder. I did not know what he was tried for. I did not know Morrison was accused of murdering Mr. Beron. I was afraid, because I had never been in a police station or Court before. I do not know Florrie Dellow. I did not have a conversation with her for an hour last Tuesday week. The first time I saw her was in Court. I spoke to her in the Court last week. That was the first time. It was true,

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as I swore last week, that Issy introduced me in the street to Morrison." There was no re-examination by my friend at all.

Mr. JUSTICE DARLING—No, but there was examination by the Court.

Mr. ABINGER—"By the Court—I told the detective first about the £5 piece. I thought I would do the prisoner good in mentioning the £5 piece. The mark of Eva Flitterman." (To witness)—Did counsel, representing the accused, then immediately apply to the learned magistrate for a summons, or warrant, against this girl for committing perjury?—Yes.

Did the magistrate state that an information should be made and laid before him for consideration?—He did.

I call for a letter dated 30th January, 1911, from Messrs. Claude Lumley & Co. to the Director of Public Prosecutions. "To the Director of Public Prosecutions, Whitehall, *Rex v. Morrison*."

"Sir, we beg to refer you to the admissions made by the witness, Eva Flitterman, on the 29th inst., at the South-Western Police Court—(1) That her oath on the 24th inst. to the effect that she had seen the accused wearing a £5 gold piece was untrue. (2) That her statement that it was not the police officer who first mentioned the subject of the £5 piece was equally untrue. (3) That she did not know that the prisoner was being prosecuted for the murder of Beron. By perusing her evidence given on the 24th inst., as compared with her evidence on the 28th inst., you will readily appreciate that Flitterman's recantation was made after it became obvious by her answers in cross-examination that her evidence was untrue. The witness made other false statements on the 24th inst., which we do not enumerate here. In these circumstances counsel for the accused suggested on the 28th inst. to the learned magistrate that he should forthwith issue a warrant against Flitterman for perjury, but the learned magistrate, however, suggested that a sworn information should be laid before him. We shall, therefore, be glad to hear from you at your convenience during the course of the next two or three days whether you propose to move in the matter, as in the event of your deciding not to apply for process we shall do so on behalf of the accused without any delay whatever.—Yours obediently, Claude Lumley & Co."

Then there is a letter in reply from the Director of Public Prosecutions on the 1st February—

"Gentlemen—*Rex v. Morrison*—I have carefully considered your letter of the 30th January, in which you apply to me to institute proceedings for perjury against the witness, Eva Flitterman. Dealing with the suggested assignments of perjury, in the order given in your letter—(1) The evidence to prove the falsity of Flitterman's statement that she had seen the accused wearing a £5 gold piece, would consist of her own statement to the contrary effect. As to this, I have considered the authorities cited in "Archbold" (24th edition, page 1174), and am of opinion that a Court would not hold that such

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statement would be sufficient to prove perjury, in the absence of any confirmatory evidence. (2) The evidence to prove the falsity of this statement would consist of the testimony of the police officer, coupled with Flitterman's own statement to the contrary. As to this, I think it would be difficult to prove motive, and that the alleged false statement was made wilfully, in view of the fact that the interpreting of her evidence on the day when she made the false statement was admittedly unsatisfactory, and that she has stated that she was excited and confused at the time she made it. I do not think that a charge of perjury based on this suggested assignment could be preferred with any reasonable prospect of success. (3) In my judgment no satisfactory evidence is available sufficient to establish the fact that Flitterman must have known that the prisoner was being prosecuted for the murder of Beron, in view of her youth, and of the other circumstances to which I have called attention in my observations on (2). Having regard to the whole of the circumstances, therefore, I do not propose to institute the suggested prosecution. I would add, however, that should you desire to do so on behalf of your client, the evidence of any witness called on behalf of the Crown is at your service, and no difficulties would be placed in your way by me. I am, gentlemen, your obedient servant, Charles W. Mathews."

In reply to that there is a letter on the 3rd February, 1911, from Messrs. Claude Lumley & Co. to Sir Charles Mathews—

"Sir—*Rex v. Morrison*—We are in receipt of your letter of the 1st inst. We note, however, that you do not deal with Flitterman's statement of the 24th ult. to the effect that having missed the £5 piece which she had seen the prisoner wearing she asked him what had become of it, and that he replied that he had pawned it and purchased a watch and chain with the proceeds, a manifestly untrue statement. It appears to us that it would be quite easy to obtain the prisoner's oath, and also that of another witness, to the effect that Morrison on that day was not wearing a £5 piece at all, and the above oaths, together with the admission made by Flitterman on the 28th ult., to the effect that she had never seen Morrison wearing a £5 piece at all, would, we respectfully suggest to you, constitute a *prima facie* case upon which a police magistrate would be likely to grant a summons. If you see no reason therefore to change the views expressed in your letter of the 1st inst., will you be so good as to notify us to that effect. We are, your obedient servants, Claude Lumley & Co."

Then there is a letter of the 6th February from the Director of Public Prosecutions—

"Dear sirs—*Rex v. Morrison*—I beg to acknowledge the receipt of your letter of the 3rd inst., and to inform you that I must adhere to the determination which we announced to you in my letter of the 1st inst. I am, dear sirs, faithfully yours, Charles W. Mathews."

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Did you hear a witness named Rosen give his evidence at the Police Court?—I did.

Rosen was examined, was he not, on the 24th January?—Yes.

He was a boy, was he not?—Yes, a young man about eighteen, I suppose.

Older than Jack Taw or younger?—There was not very much difference in their age—older, I think, if anything.

“ Sam Rosen on oath says—Frostick Buildings, Old Montague Street, cabinetmaker. I know the restaurant at Osborn Street. I was there on the 31st December at half-past eleven at night. I saw Beron there. He was with the prisoner. They sat at a table eating. I left at half-past eleven. They were in the restaurant then. I saw them again about half-past twelve—it was half-past one—in the street in Whitechapel, at the corner of Brick Lane. I saw them go by one way. I went the other way and went home. They were going in the direction of Sidney Street. I went to the police station at Leman Street to point out the man I had seen with the deceased man. I don't know what date it was. They asked what man it was, and I picked out prisoner.” He was one of the witnesses who went to Leman Street on the 9th January?—That is so.

“ They asked what man it was and I picked out prisoner. I have known him since I came from America—about two months. I knew he had a revolver in his pocket at the restaurant. Cross-examined—I am a Russian. I have been to America. I was in America two years. I left America about two months ago, and have been in London about two months. I work for any one in a shop. I worked in London for a week in the street where I lived. I don't know the man's name I worked for. I earned a sovereign. I saved money in America and lived on that. I do not belong to an anarchist club; I don't belong to a club. I know prisoner by sight about five or six weeks. When I saw him he had a motor coat on, brown, a hard hat, bowler, and nicely polished shoes. I didn't notice his trousers. It was half-past one when I saw him in Brick Lane. It was about five minutes' walk from Osborn Street to there. They left the restaurant at half-past eleven. They left at the same time as I did. I went in the street. I met a countryman of mine and spoke to him some time. We walked about, and then I went home about half-past one. We walked about the whole time. I hadn't a watch. When I got home I saw the clock. I saw about ten men at Leman Street station. I don't know what officer was with me. I hadn't been shown any picture of prisoner before that. I had seen portraits of prisoner in the paper. I saw people reading the paper and I looked. Re-examined—I don't know when I first saw a portrait of prisoner. (By the magistrate at the request of prisoner's counsel)—I didn't recognise my countryman. He recognised me; I don't know his name.” Was this a man or boy—you say he was a young man—

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recalled on the 8th February at the request of the prisoner's advisers?
—Yes.

He gave evidence originally on 24th January?—Yes.

“ Sam Rosen, recalled. Cross-examined—On the 31st December last I slept at 28 Troshe Place. I don't know in whose house. It was in Louis Mitchinsky's house. I slept in half a room, and Mitchinsky and his wife and child in the other half. Mr. and Mrs. Mitchinsky could get in their half of the room without passing through the part where I was. There was only one door to that room. On 31st December I do not remember what time I came home and went to bed. It was not at half-past eleven. I saw the prisoner that night, but I don't remember the time. I can swear I saw him, but I can't swear as to the time. After I gave evidence at the Police Court I had a conversation with Mitchinsky. I was home at his place. I don't know who it is you are talking about. (A man comes forward and gives his name as Mitchinsky.) I used to live with the man who now comes forward. I met him in Signet Street, Bethnal Green, after I gave evidence at the Police Court. I left his house about eight or nine days ago, a week and a half. Mitchinsky said that I told lies at the Police Court. I said I was not obliged to say, but I had given my name in as a witness, and all that I told at the police station was misinterpreted to the people there. I did not tell Mitchinsky that I could not understand the interpreter at the Police Court. I said I wanted to tell the truth, and wanted to see the solicitor for Morrison. I told Mitchinsky I wanted him to arrange for me to see Lumley & Co. the solicitors for the accused, or that I would tell them the truth and wanted to see the solicitor for Morrison. I told Mitchinsky I wanted him to arrange for me to see Lumley & Co., the solicitors for the accused, or that I would tell them the truth. I wanted to tell them the truth, which was not told to the police at the police station. I can give the truth. People have told me that what I have sworn I must keep to, and I must not put anything else in because I might get prison. The landlord's brother told me that. By the landlord I mean Beron, which was killed. Beron's brother told me that if I changed my evidence I should go to prison. A lot of people told me that. I have also been to the *Journal* and wanted to tell the truth. No policeman has spoken to me since I gave evidence at the Court. The truth is I saw this man Morrison at night in a street. I have also seen him in a restaurant. The actual time, the night time. I did not know. When he was sitting at a table drinking tea. I did not see anything by him. Person who wrote down statement I made, put down that I saw Morrison with a revolver. I deny that. It was Detective Inspector Ward (who now stands up) who took down my statement. I did not tell Inspector Ward that I saw Morrison with a revolver, some one else said that, a man Jacobs, the lad who now stands up in Court. I did not say anything, it was Jacobs who spoke. I did

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see Morrison and Beron together on the night between 31st December and 1st January, but I do not know the time. Whether the other person wrote it down I do not know. That night, 31st December, I left the restaurant at about half-past eleven. I did not go straight home to bed. I went about the streets. I don't know for how long, but I met a person and then I went back. I saw Morrison and the landlord, they were going towards Sidney Street and I was going towards Commercial Road. I can't tell you the right time when I went to bed that night. I don't know the actual time."

Re-examined by my friend Mr. MUIR—"I wanted to tell Morrison's solicitors the truth. I saw this person, but I don't know the time. I saw him at night time inside the restaurant, and outside the resaurant. When I was in the restaurant the boy Jacobs came and asked me if I wanted to look at some pictures. Then I went and looked at some picture. I told him, 'I am going to ask my governor first whether I am able to go as a witness.' Jacobs told me 'They will show you some pictures, if you want to write your name in as a witness, you can; if not, it is nothing.' When I went there Jacobs said he would write my name down as a witness, I said I'll go and ask her whether I can be a witness, and then he said, 'I will write you down as a witness.' I wanted to tell him that people and some witnesses are threatening me that in the event of my saying different they will shoot me. It was the landlord's brother and Jacobs and Mr. Deitch that threatened me that if I tell truth I shall get prison. Strangers also have threatened me in the restaurant. I can't give their names. They did not give the true interpretation in all matters. They put me as a witness. I can't be a witness as I haven't said the truth. I went with that man to see the pictures. I can't give you no answer because I am frightened. I did not see a revolver in the possession of the accused. Before the coroner I did say I saw a revolver in Morrison's hip pocket, and I placed my hand on my hip. I was so frightened I was compelled to say so. The reason I put my hand on my hip was that I had never been a witness before, and they told me to say so. Jacobs, the boy that went with me, told me to say so. Before I came to Court to-day I did not tell Jacobs that if the prisoner was convicted I should be killed. I did not tell Jacobs that the man Mitchinsky was one of the men who had threatened me. I told Jacobs nothing."

Mr. MUIR—In consequence of what was said this morning I want Sergeant Cooper to be recalled.

CHARLES COOPER recalled, further examined by Mr. MUIR—The address upon the bags is 183 Commercial Road. I went there last evening and found it to be a pastry cook's shop where they sell various cakes. They do not sell sandwiches there.

Evidence for Prosecution.

Maurice Myers

MAURICE MYERS, examined by Mr. MUIR—I am secretary for the home of aged Jews, Nightingale Lane, Balham, between Clapham Common and Wandsworth Common. I know an inmate there named Max Beron. He has been there since October, 1908, and is an old man and very weak. I do not know what visitors he has had, but I have spoken to him on the subject. I believe Solomon Beron visited him, but Leon Beron did not visit him at all as far as I know.

Cross-examined by Mr. ABINGER—It is not part of my business to keep a record of the visitors. On account of his physical condition it would be very difficult for Max Beron to give evidence, but his mental condition is all right.

ALFRED PERRY, examined by Mr. MUIR—I am a tramway car driver. I was on duty on the night of 31st December and the morning of 1st January last, and I drove a staff car from Clapham Cross to Tooting Broadway. I left the depot at 1.55 and Clapham Cross about 1.58. That would be the last car on the road to Tooting that night.

Cross-examined by Mr. ABINGER—I was asked to give evidence this morning. The staff car takes the drivers and the conductors, and it leaves at 1.55 every Saturday night. There is no record kept of the staff car in the office. The car cannot leave the depot before 1.55.

JOHN JONES, examined by Mr. MUIR—I am a detective constable of the W Division. I took down in writing the statement of the cabman Hayman. I also visited the Jewish Home and took the statement of Max Beron, an inmate there.

Cross-examined by Mr. ABINGER—I took statements from a number of persons including one from the taxi driver, Castlin. This statement I took on Friday, 6th January, at about eleven or twelve in the morning at his address, Bramcote Road, Bermondsey, where I had been sent by Inspector Ward. I took the statement from his mouth and wrote it down and took it to Brixton police station, where I left it with the typist, a police officer. I never saw it again.

Mr. MUIR—It is not in existence. It probably was destroyed when the copy was made in type. The typed copy was submitted to Castlin, who read it over and signed it. That was treated as Castlin's statement, and it has Castlin's signature upon it.

Mr. ABINGER—I am going to read it, although I have never seen it. "Alfred Castlin of 46 Bramcote Road, South Bermondsey, says, I am a taxicab driver, badge No. 6281, in the employ of the London General Motor Cab Co., Ltd., No. 1 Brixton Road. At about 3.30 a.m., Sunday morning, 1st inst., I was with my cab on the rank at Kennington Church. It was the front

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John Jones

one, and in the direction of Camberwell New Road, when two foreigners came up from the direction of Brixton or Clapham Roads. Description as follows:—First, age, 30; height, 5 feet 8, fair, clean shaven, dress, dark overcoat and cap. Second, about the same height and dark, but I cannot identify him. The first man asked me how much I would charge to drive him to Finsbury Park, just by Finsbury Gate, in Seven Sisters Road. They stopped me and got out, and the first man gave me 7s. 6d. They did not give me any address to drive to, but when they got out they walked towards the houses on the right hand side. They appeared to me to be Frenchmen, and were smartly dressed. (Signed) A. Castlin, 9th January, 1911. Since making the above statement on the 6th inst., I have to-day, the 9th inst., at Lemau Street police station identified the first man from among a number of others, as the man who actually hired me, and my reason for thinking they were foreigners was because the other man spoke in a foreign language." So this was not signed on the 6th January?—It is two separate statements. I went back to him on the 9th to get it signed, about 8 p.m.

A portrait of Morrison had appeared in the home edition of the *Evening News* that evening. Do you know that?—No, I do not.

Why was he not asked to sign it before the 9th?—I do not know. Inspector Ward handed me that statement on the 9th and told me to go back and get it signed.

Do you say when you went back on the 9th you found Castlin at home?—I did not go to his home.

Where did you go?—By Kennington Church, down in the garage.

Was that typewritten document in your possession?—Yes.

Unsigned?—Yes.

Where did you find him?—In the Hanover Arms.

In a public-house?—Yes.

Was he alone?—No, other cabmen were with him. I do not know their names. I asked him to come outside the public-house, and he came outside, and he signed it on the wall.

Where was the ink got from?—I took it down.

What in?—In an ink bottle.

What did you take the ink bottle for?—For him to sign with.

Then did you expect that you were going to take his statement where there was no ink available?—I knew he was going to be on the cab rank, because I had an appointment to see him.

He came out of the public-house and signed the paper?—Yes.

In the dark?—There was a light from the window shining on it.

Do you think that is a proper way to collect evidence in a murder case?—I was not collecting evidence.

Getting a signature to an important statement in a murder case on a wall outside a public-house at night?—That was done.

Evidence for Prosecution.

John Jones

Why was he not asked to attend at the police station to sign it?—Because he was working.

Where did you take Hayman's statement?—At his home, 16 White Hart Square.

What day?—Tuesday, 10th January, at about half-past seven to eight in the evening.

Was that by appointment?—No.

And did you write down his statement as he gave it to you?—Yes (exhibit 55).

What date did Hayman sign it?—He put his signature to that statement on 10th January, between half-past seven and eight o'clock at night.

Had you seen the morning papers of 10th January?—I saw one, I expect.

Will you accept it from me that with a few exceptions they all contained full-sized portraits of the prisoner?—I do not remember that.

Very well, I will refresh your memory. There is a *Daily Mirror* of the 10th January. Does that recall it to your mind?—I do not remember if I saw the *Daily Mirror*.

Did you see full-sized portraits of Morrison in the morning papers of 10th January?—I do not remember. They were in so many papers the previous evening, and next day as well.

At any rate, you saw them?—I have seen his photographs in the papers, yes.

And before he signed that statement?—Yes.

The DEPUTY CLERK OF THE COURT read the following statement:—
“ Brixton Station, 10th January, 1910. Statement of Edward Hayman, cab driver, badge No. 13523, of 16 White Hart Square, Lower Kennington Lane. Who saith—I am a horse cab driver, and I drive at night. I am learning to drive a taxicab by day. About 2 a.m. on the 1st inst. I was driving my cab along the Mile End Road, towards the city, when I saw a hansom cab pulling away from two men standing at the corner of Sidney Street. I said to the driver, ‘What, is it too far for you?’ He made no reply, but drove on towards the city. The two men (description—1st, height 6 feet, age thirty-five, clean-shaven, long nose, medium complexion, heavy greyish stripe overcoat, collar and tie, black hard felt hat, Jewish appearance; 2nd, height 5 feet 5 inches, age forty-five to fifty, dark moustache, held his head down, dark overcoat, hard felt hat) then walked towards Bow. I turned round and asked them if they wanted a cab. The tall one looked up and said ‘We want to go to the Shakespeare Theatre, Lavender Hill. How much do you want?’ I said, ‘I will leave it to you, sir.’ The tall man said, ‘Say 5s.’ The shorter man did not speak. They then entered the cab, the shorter got in first, and I drove right away to Lavender Hill. Just about 3 yards past Lavender Gardens the tall man pushed the trap up and

Steinie Morrison.

John Jones

said, 'This will do.' They then got out, and the tall man gave me 5s., and did not say anything. I left them standing at the corner of Lavender Gardens, and they did not come up the hill towards Clapham Junction, as I drove down the hill and put up on the rank. The tall man was good-looking, and I could identify him. I did not notice if they were carrying walking sticks or parcels."

Dr. WILLIAM ROBERT SMITH, examined by Mr. MUIR—I am Professor of Forensic Medicine and Toxicology at King's College Medical School, and public analyst for the borough of Woolwich and the borough of Boston. On 10th January I received from Detective Inspector Ward some articles of clothing, including a collar (exhibit 10), which was photographed in my presence (exhibit 10A). There were a number of spots on the collar when I received it, and those are indicated on the photograph. I analysed some of those spots, and I found they consisted of blood. I also received from Inspector Ward a tie (exhibit 11), and it was photographed in my presence (exhibit 11A), the photograph showing two spots on the front and one on the upper part, the wing. I removed those spots and subjected them to tests, and found they consisted of blood. I also received a striped cotton shirt (exhibit 12), and I cut up a portion of the sleeve and the whole of the cuff, and those were photographed in my presence (exhibit 12B), showing some marks. I removed the portions where the marks were, and subjected them to analysis, and found that they consisted of blood. Further examination revealed that it was mammalian blood, and still further examination revealed that it was human blood.

Have you any doubts as to the results you obtained?—No, the only qualification which one could make with reference to that point of human blood is that it might have been the blood of one of the higher apes. There is no doubt that they were stains either of human blood or of the blood of higher apes.

Cross-examined by Mr. ABINGER—Look at the collar. You may take it that I accept it from you that it was human blood. This collar has the words "Gardiner & Co., Scotch House, Limited, London. Hand work. Superior quality. St. Andrews, 15½ by 2½" upon it?—Yes.

It has no laundry mark upon it?—No, not as far as I remember.

There are some spots at the back which look like—you shall tell me what they look like?—I should think probably those were spots of mud.

I suggest to you one or more of those spots are ink?—Well, I think one spot is, but I do not think the others are.

Those spots were on the collar when it was delivered to you?—Yes.

The general condition of that collar at the Police Court was clean, was it not?—Fairly clean.

Evidence for Prosecution.

Dr. W. R. Smith

Now, I suggest to you that the spots of blood were about the size of the point of a pin or the head of a pin?—They were very small.

“ Very small ” is not quite so definite as the size of the humble article I am suggesting—the point of a pin?—I am afraid I do not quite agree with you there. The photograph gives the best idea of what the size was. The size of these spots on the collar is really larger than what is shown on the photograph, because it is not a full-size photograph.

You have cut them off, and we cannot see them now. The portions have been destroyed, have they not?—Naturally they have been destroyed in the examination.

I do not complain. I suppose they had to be destroyed in the course of the examination?—Yes.

And all we have got to-day is a photograph of them?—Well, the photograph speaks for itself.

I suggest to you those spots are about the same size as a spot of blood would be which would come upon the collar if a man scratched his neck in pinning his collar? What do you say to that?—No, I do not think so; I cannot agree with that. There are a number of spots on this collar, two of which were in the form of streaks. I do not think a man could do that by scratching the back of his neck.

The sort of streak which the point of a pin would make?—Yes, there were two streaks.

Such streaks as the point of a pin would make?—The point of a pin would make them, but they were a $\frac{1}{4}$ inch long.

Well, I suppose the point of a pin would smear blood a $\frac{1}{4}$ inch. Now, let me have the shirt, please. (Handed.) I would ask the accused to put on that coat (exhibit 14). (The accused did so.) Now, I ask you to note the length of the cuff of that coat?—Yes.

The cuff has entirely disappeared from the shirt. May I see the cuff that was taken off? (Handed.) There is a faint smear at the extreme end of the cuff, is there not?—That is so, where it joints the sleeve.

There was a spot of blood that you have got? I suppose that was also destroyed?—No, that is an exhibit. (Produced.)

That is about the size of a biggish pinhead, is it not?—No, not if it is the one you are alluding to.

A pin would do that, would it not?—No, I do not think so.

If the accused were wearing that overcoat with the handkerchief round his neck, the ends being tucked in, and the coat being buttoned up, you will agree that it would be almost an impossibility for blood to have got on that cuff here at the base of it?—Well, as you put it, I do not think one could say that it would be an impossibility. You have alluded to a handkerchief being wrapped round his neck.

I alluded to the whole of his condition. I should not talk about

Steinie Morrison.

Dr. W. R. Smith

the neck when I am handing you up a cuff. I am talking about his arm?—Yes.

Do not let there be any mistake about it. I put it to you that it is almost an impossibility when a man has got that coat on for that little tiny smear, which I accept from you as blood, to have got there?—Yes, it would be very difficult.

Do you see the inside of that coat sleeve; there is an elastic band there; I do not know how you describe it?—It is a wind protector.

If that wind protector were in the position it now is it would be a physical impossibility, would it not?—If it were round there it would be an absolute impossibility.

And if that wind protector were open I suggest to you it would be an impossibility, not an improbability, for blood to get on to the cuff without there being blood upon that wind protector?—That is very difficult to say.

How? Do you suggest that the blood might have dodged the wind protector and got on to the cuff?—The cuff might have been down below the wind protector.

I am not putting that hypothesis to you. You are here as an expert?—Yes.

Mr. JUSTICE DARLING—While you call the witness an expert, he is not an expert in wind protectors and cuffs; he is an expert in analysis, and not in overcoats.

Mr. ABINGER—I feel that.

Mr. JUSTICE DARLING—What I mean is this, your arguments may be very proper arguments, but they are arguments one can address to twelve gentlemen without putting them to a doctor.

Mr. ABINGER—My lord, I feel the force of that. (To Witness)—Dr. Smith, I will not ask you anything more. Of course, you are only here to speak to those spots being blood. I am grateful to your lordship.

Dr. WILLIAM HENRY WILLCOX, examined by Mr. LEYCESTER—I am senior scientific analyst to the Home Office. On 18th January I saw for the first time the collar (exhibit 10). It was then in the possession of the last witness, and portions of it had been removed. There was still a minute stain upon it situated on the under surface of the upper fold, which is still visible.

Cross-examined by Mr. ABINGER—Between thirty and forty articles of clothing have been submitted to me for analysis. I did not detect any blood on any of them except on those regarding which evidence has been given, namely, on the collar, tie, and shirt.

By Mr. JUSTICE DARLING—In giving evidence before the magistrate I said this—“ I know Dr. Freyberger. I believe he has great experience in post-mortems. If there were six cuts on the right side of the face and three on the left, and three stabs on the body, and blows on the head, a considerable amount of blood would flow; I can

Evidence for Prosecution.

Dr. W. H. Willcox

quite believe that there would be a pool of blood on the ground where the deed was done, and a certain amount of bleeding would take place after death. Assuming that the deceased was dragged some distance along the path by the collar of his overcoat, I should not necessarily expect to find a great quantity of blood on the clothing of the person who did that. It would depend upon how it was done. It would be possible for a great deal of blood to get on his clothing, and it would be possible for a little to get on it. I should not expect much." That is still my opinion.

Cross-examination continued—I did not see the body, nor did I see the spot where he lay or the pool of blood.

Let me remind you of what Dr. Needham has sworn here—"The deceased man's cuff much stained with blood, little blood on the right hand, the knees of the trousers covered with blood, a considerable amount of blood near the railing, on the face of the coat, quantity of blood on the greatcoat, fair amount on the coat collar." Would all that blood, blood-stained jemmy, dripping with blood, eight blows, one after the other, brought down on this man's head—would not that cause you to modify a little your view that there is not one drop of blood to be found on that greatcoat?—I should not modify the opinion I have given, because those blows would be rapidly rained, and the tissues would be crushed at the time. There would not be much bleeding at the time the blows were delivered. The blood would ooze out afterwards.

The crowbar must have been dripping with blood?—There would be some blood on it.

Mr. Muir—My lord, that is the case for the Crown.

The Court adjourned.

Fourth Day—Thursday, 9th March, 1911.

Opening Speech for the Defence.

Mr. ABINGER then opened his case to the jury. He began by contrasting the difference between the resources of the Crown and of the accused in their ability to procure evidence. On the one side were endless resources, under the guidance of Sir Charles Matthews, the most able Director of Public Prosecutions he had known. On the other side there was a poor man who had to be content with such evidence as his solicitors could obtain. On the previous day counsel for the prosecution had said something about wasting time. He (Mr. Abinger) felt it at the time, though he was sure Mr. Muir did not mean the remark unkindly; but he could assure the jury that he did not put a single question which he did not consider necessary. He would not waste time now by any analysis of the evidence for the prosecution, but would at once set out the defence and the nature of the evidence he would call. The jury would want to know where the accused was on the night of the 31st December and on the morning of 1st January, and the subsequent days until his arrest. Mr. Muir had said that on 1st January the accused had disappeared. But he was in Whitechapel every day from that date, and, although the papers were full of the hue and cry after the murder of Beron, the accused had stood his ground, stayed in Whitechapel, going to restaurants, and, on the morning of his arrest, was having his breakfast in a restaurant within a stone's throw of Snelwar's restaurant.

Gentlemen, I am going to call the prisoner, and he will have to go through an ordeal more terrible, I suggest to you, than the ordeal heretics had to undergo in the days of the Inquisition; because he, a man of imperfect education, as you will soon discover, fighting for his life, will have opposed to him a brilliant counsel, than whom there is no more skilful cross-examiner at the bar. It will be a very unequal contest, as unequal as a fight between a professional prize-fighter and a curate. The prisoner will tell you that on 31st December he was about the city selling tawdry jewellery, a sample of which he will show you. He went to Snelwar's restaurant to have his supper about eight o'clock. You will remember that Mintz, the waiter, told you that the accused was annoyed that morning because he was kept waiting for his breakfast. You will hear from the evidence I am going to bring before you that after he left the restaurant he went to the Shoreditch Empire of Varieties. He was seen there by some witnesses who will be produced. These witnesses were afterwards seen by the police. In fact, you may take it that every witness



Edward Abinger,
Leading Counsel for the accused.

Opening Speech for the Defence.

Mr. Abinger

I shall call has been seen by the police. How they got to know that these witnesses were going to be called I do not know, but the police have interviewed them. Morrison will tell you how he left the theatre at the close of the performance, having deposited his flute, which has been described by the waiter Mintz. My lord thought I was accusing that man Mintz of a felony—attempting to commit suicide—far from it.

Mr. JUSTICE DARLENG—No; to commit suicide is a felony. I do not think you appreciated what I meant when I interrupted you. It is immaterial now, because you have done so many other things since which make it immaterial; but what I meant was this: to commit suicide is a felony. You accused that man of having attempted to commit suicide. That is of itself a crime; it is a misdemeanour to attempt to commit a felony. You pursued that cross-examination in such a way as to make it perfectly clear to my mind that you were imputing to that man something against his character. The fact that you did that (I mentioned the Criminal Evidence Act to you at the time) entitled Mr. Muir, the counsel for the prosecution, to cross-examine the defendant if he went into the witness-box, as to his character. That is what I meant, and I did not know whether you appreciated it. That is why I did not say more at the moment than I did say; but you have since then attacked another witness's character in such a way that there is no longer any harm in saying it.

Mr. ABINGER—My lord, I was familiar with the Act of Parliament, if I may say so; it is a very short time since it was passed. Gentlemen, my lord, even now, if I may most respectfully say so, does not appreciate the real object of those questions—

Mr. JUSTICE DARLENG—I hope you will excuse me; it was not a question of what was your object. The question I had in my mind was what Mr. Muir would claim to do, because of your questions, no matter with what object you put them. It was perfectly obvious to me that he would claim upon that to cross-examine the defendant, if he went into the witness-box, to cross-examine him as to his character.

Mr. ABINGER—My lord, I am aware of that. That has been held as a rod over my head ever since this case started. Gentlemen, I venture again, most respectfully to my lord, whose consideration for counsel for the defence has been most marked, to say that that was not the point of my cross-examination at all—miles away from it. Here was a poor man who had had to go into a lunatic asylum; that was the point, gentlemen—that he was *non compos mentis*. Ask yourselves if any one of you—no one can tell what the future has in store for you or for me, or for anybody—suppose you are placed upon your trial upon a criminal charge, and a man gives deadly evidence against you, and the counsel representing you is to be deterred by any consequences from asking that witness if he has not been in a

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lunatic asylum, what would you think of such a counsel if he omitted to ask the question? And, in a murder case, when a man goes into the witness-box and gives a deadly piece of evidence like that man did, what would you think of a counsel who did not let the jury know the fact that that man within six months had been confined in a lunatic asylum? That was the point of the cross-examination—not that he had been guilty of a felony or of an attempt at a felony or a misdemeanour. Poor man. I said to his lordship, if your lordship asks me, for the sake of humanity—not for the sake of the man himself—not to pursue that cross-examination—I will desist. In this country it is no offence to attempt to commit suicide if the Almighty afflicts you with madness—no offence at all. If a sane person wickedly attempts to destroy his own life it is an offence, but this man was insane. Gentlemen, the rod has been held over me until it is insupportable. I was threatened then by my lord—

Mr. JUSTICE DARLING—I wish you would not use that word. “Threatened” is not the word. You say, “I was threatened then.”

Mr. ABINGER—If your lordship wishes me to withdraw the word “threatened,” I will withdraw it.

Mr. JUSTICE DARLING—It is not a question of my wishing you to withdraw it. I pointed that out to you absolutely to save you from what I thought might be the consequences of your own cross-examination—with no other motive. I might have sat absolutely quiet and let you go on.

Mr. ABINGER—Your lordship might have given me credit, after practising in these Courts for twenty-five years, for knowing a statute which every student of law must know. I knew what I was about, gentlemen, when I put those questions. I weighed the consequences. Can you picture to yourselves the anxiety that counsel has in a case of this sort? Is the jury to know that this man was a lunatic or not? At any rate, gentlemen, I will resume what I was saying to you; you will pardon me, I am sure, from aberrating from it.

Continuing his statement, Mr. Abinger said he would prove that, after leaving the restaurant and going to the theatre, the accused went back for his flute and went home; that he saw Beron talking with a tall man at the corner of Sidney Street; and that Beron called out “Bon soir” as the accused passed. Morrison returned the salutation and proceeded home to 91 Newark Street, where he lodged with a man named Zimmerman and his wife. These people, whom the police had interviewed over and over again, would tell the jury the time the accused arrived home, and that he went to his room. Zimmerman bolted the street door, and he will tell you how he and his wife heard the accused in his room. He was there in the morning, and it was a physical impossibility for him to have left the house without their hearing him. Zimmerman and his wife will pledge their oaths that the accused was not out of the house on the night of 31st December from the time he came home

Opening Speech for the Defence.

Mr. Abinger

until the following morning. In the morning he left the house and went to see a girl named Dellow at 116 York Road, and arranged to live with her. The revolver, about which Mr. Muir had made so much, was deposited at the railway cloakroom by the accused, because he did not wish to take it with him lest the girl should be frightened.

He would call the cashier of one of the banks, who would prove that Morrison had cashed £35, and the £5 notes and the money to which his learned friend had referred were part of that money which he had drawn from the bank. The suggestion had been made that the sum he gave to Eva Flitterman, and that with which he cashed a cheque for her brother, was Beron's money. But when they found that the accused had drawn this £35 from the bank they would see that that allegation was without foundation.

On 4th January he bought half a dozen collars in the shop of a man named Clarke, and the collar that he was wearing on the day he was arrested, which had blood stains upon it, was one of those collars. He would prove also that the accused changed his clothes on 7th January, and that he was wearing an entirely different suit on the day that he was arrested. Two warders from Brixton prison would also be called to prove that the prisoner's nose bled naturally on several occasions. It would be evident to the jury that the accused when arrested with £14 in his pocket, who went about Whitechapel every day after the murder, when the newspapers were full of the crime, had sufficient means to enable him to leave the country if he had so wished.

If the accused's story, which he would tell in the witness-box, and the evidence given for the defence were proved, there would be an end of the case for the prosecution. He would not point out to them at that moment that some of the witnesses in the case had practically admitted committing perjury, and it would not be safe in a case of this kind to act upon evidence of that sort.

Evidence for the Defence.

JOHN HOLMES GREAVES, examined by Mr. ABINGER—I am a medallist of the Royal Institution of British Architects and a member of the firm of M. B. Burnand & Company, 17 Old Burlington Street, estate agents, surveyors and valuers. On Sunday, 27th February, I went into the house at 91 Newark Street and I prepared a plan of the ground floor from my own measurements taken on the spot. (Copies of the plan were handed in.) In the front there is a sitting room, which I was told was occupied by the accused. Immediately behind that room there is a room separated from the other by a wall $4\frac{1}{2}$ inches thick. Sound would pass very easily from the one room to the other. The distance from the door of the first room to the door of the back room is 4 feet, and the distance from

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the front entrance door to the back room is 14 feet. Further down the passage there is a third room, described on my plan as a kitchen, and leading out from the kitchen there is a door into the wash-house, and then there is a yard in which there is a tap and gully. There is a party wall between No. 91 and 93, 4 feet 7 and 4 feet 4 in height. The front of No. 93 is used as a shop. There is a gas lamp immediately over the counter and the light shows into the street. I prepared a plan of the door of 91. There are two bolts upon that door, top and bottom. There is a night latch and also a stop lock. The bottom bolt cannot be used as the door is sprung slightly out of position. The top bolt is the only bolt which can be used and that only with great difficulty. It takes ten seconds at least to undo that bolt, and during that process it makes a very loud noise—it shrieks terrifically and also makes a grating noise. I heard the noise myself from the back room. The night latch was in perfect condition. The lock does not work except as to the latch. The latch has to be fastened back with a piece of wire to hold it in position. There is a keyhole. The bottom sash of the front room is hung on each side with cord and weights in the ordinary way. It works very badly; as a matter of fact, it is very loose and shaky, and cannot be opened without a considerable amount of difficulty and making a considerable amount of noise.

I went to Clapham Cross at 1.30 in the morning. I prepared a plan of Clapham Cross (exhibit 42). There is an illuminated clock with a large dial a little beyond the cab rank—marked on my plan. There is a lamp post, marked with a red cross on my plan, and there is also a lamp post adjoining the fountain.

Assume a man walks from the direction of the Old Town along the railings round the fountain, towards the cab rank, and assume a person is standing at the cab rank at 2.30 or 3.15 a.m. on 1st January, what opportunity is afforded in your judgment to the person standing at the cab rank to see a person coming round from Old Street, Clapham?—From the observations I made when I paid my visit (I tried various methods) I came to the conclusion that for any one to positively identify an individual, even if it were somebody you knew, you had to place him in a certain position to get the light on him full in the face, and the only way to do that was to stand opposite him with your back to the clock tower yourself, and with the individual under observation with his face to the clock tower so that you got the full light on his face, otherwise it was very difficult indeed to distinguish his features. In my opinion it was impossible to distinguish the features of any one approaching the cab rank with his back to the clock tower. The light which they had in front of them was distant from them 44 yards when they reached that first cab, and the lamp behind was 16 yards. The lamp on the other side of the road indicated

Evidence for Defence.

John H. Greaves

on the plan is 22 yards from the first cab, and the clock tower is 33 yards from the first cab. I mark on the plan where the driver of the first cab would be on the night I was there. Behind that spot there is a cab shelter.

The FOREMAN—This witness marks the same place as Stephens was standing on the plan. They have both taken observations at the same place or as nearly as possible.

Examination continued—The second shelter, which is beyond that in the other direction from the clock tower, is closed up at night, and therefore I did not take any notice of it. The distance from Clapham Cross cab rank to the Hanover Arms is $1\frac{1}{4}$ miles, and the distance from the Hanover Arms to the corner of Sidney Street is 4 miles 400 yards, so that the distance from Clapham Cross to the corner of Sidney Street is some 40 yards short of 6 miles. The distance from Hanover Arms to the point indicated on the map by the witness Castlin in Seven Sisters Road on the way to Tottenham is 7 miles 250 yards. The distance from the point in Seven Sisters Road to Newark Street is 5 miles 710 yards.

Cross-examined by Mr. MUIR—The height of the sill of the window of the front room of No. 91 from the ground outside is 2 feet 7. A person standing by a cab at the rank at Clapham Cross where I have marked it, and facing the clock tower would have the light in his face from the fountain lamp 16 yards away, and therefore a man walking down past the cab from the apex of the triangle would have the light behind him. If he turned and walked back he would have the light right in his face.

Mrs. ANNIE ZIMMERMAN, examined (through the Court interpreter) by Mr. ABINGER—I am the wife of Maurice Zimmerman, ladies' tailor, and I live with him and my three children in the two rooms upstairs at 91 Newark Street for which we pay 6s. 6d. a week. Downstairs we occupy the kitchen and the bedroom. The accused occupied the front room where there was a sofa made up as a bed on which there were four cushions and one sheet which was changed every week. There was a fireplace in the room. The accused came to live in our house on a Friday three weeks before Christmas, and with the exception of, I think, three days he was there during the whole of that time. From my bedroom I can hear when the bolt is moved as it is a very hard bolt. I am a light sleeper. The accused paid me 3s. a week, and he had a cup of milk every day for which he paid 7d. for the week. I would take him his milk about 9 or 9.30 in the morning. I used to make up his bed in the morning and I would take his dirty linen to the laundry at Bedford Street every week. I know the man I used to take it to, but I do not know his name. My husband and I usually went to bed at twelve, sometimes at eleven, and sometimes

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Annie Zimmerman

even at ten. When the accused went out he used to shut the door of his room; sometimes he would leave the key in the door and sometimes he would hand it over to me. There was a wardrobe in his room and it was sometimes locked. If we required anything we opened it, as the key of the wardrobe and the key of the room were kept together in the kitchen. The accused went to bed at different times—sometimes ten, sometimes nine, sometimes eleven, and at the very latest at twelve. He had a latch key, but he never came in after my husband and I had gone to bed.

By Mr. JUSTICE DARLING—We never went to bed until the accused arrived, as we wanted to bolt the door in case he might forget it.

Examination continued—In the day time the front door was kept shut, so that if the accused wanted to come into the house during the day he would require the latch key. I have seen the accused wearing a gold watch and a gold chain before 31st December. In the evening of New Year's Eve I was at home. As I have little children and cannot go out with them I am at home every evening. I remember the accused giving me notice on a Sunday to go, but I cannot remember whether it was before or after New Year's Eve. I remember seeing him on New Year's Eve. He came home at twelve or possibly five minutes or ten minutes past twelve. Just opposite me they were closing the shops and sometimes they close at twelve and sometimes a quarter-past twelve.

When the accused came in on New Year's Eve where did he go?—He went nowhere; he went to sleep. I had the key of his room that evening and he came into the kitchen where my husband and I were, and took it from me. I saw him go into his room to bed, and a few minutes after that my husband locked the street door. I did not hear the bolts move that night after my husband bolted the door. If the bolt had been moved I must have heard it. I sleep in the same bed with my little child, who is nine months old. I never saw the deceased man Beron, and I did not know him. My husband and I got up at 9.30 or 10 the next morning. Sometimes the accused would wash himself in the kitchen, and sometimes he would wash himself at the pipe in the yard. There are public baths in Sidney Square, but I never saw him go there. I saw the accused on the morning of 1st January at ten o'clock when I took him his milk in the front room. His bed had the appearance of one that had been slept in, and I made the bed again.

Was there any blood upon the sheet or sheets?—There was no blood.

Or on the pillows or on the chairs?—No.

Did you ever see in the accused's room or in his possession a long iron bar?—I have not seen any iron bar, and I always had access to his room because I had the key.

Evidence for Defence.

Annie Zimmerman

Have you ever seen in his room or in his possession a dagger or a knife 5 or 6 inches long?—No.

Had a fire been burnt in his room on New Year's Eve?—No.

Did the accused seem to be agitated?—No.

Was he cheerful?—As usual—he was not cheerful, and he was not miserable. While he was drinking his milk he gave me 3s. and 7d. for milk. He gave me some linen that morning to send to the wash. He used to change his underclothes every week, and he would have two or three collars a week. There was no wash-stand or water in his room. I do not remember exactly what linen he gave me to wash on that New Year's Day.

Was there any blood on the dirty linen that Morrison gave you?—Morrison never gave me any underlinen with blood. I do not take it with blood. Sunday was the usual day when he used to put on his clean things. It was my custom to count the articles that he gave me to go to the wash. I took the linen—I used to wrap it up in one of his shirts—to the laundry after dinner on the Sunday. Morrison went out that New Year's Day about a quarter-past ten and he came back at two o'clock and told me that he was going to pack all his clothes together, as he was going to Paris; he might come back in three days, or in two days, or in a week's time or in two months.

Did you know at that time that the accused had made the acquaintance of Florrie Dellow?—No, I did not know anything. The next time I saw Morrison was when he called about nine o'clock in the morning of Sunday, 8th January. He called for the washing, and I left him waiting in the house while I went to the laundry. He was fond of my children and used to play with them. When I returned I told him that the linen was not ready and that he was to come back about four o'clock in the afternoon, and he said he would come. About 11.30 that same day the police came to my house. They went into Morrison's room and searched it. I believe there were three or four policemen, but I do not remember. They were in the room till the evening. My husband was taken to the police station about twelve o'clock, and I was taken to Leman Street police station about 2 or 2.30. At the police station Inspector Wensley and Inspector Ward, whom I recognise here, spoke to me. They asked me all about Morrison. I was shown Morrison's photograph in the police station. The police officers asked me whether Morrison slept at home or whether I had not seen any blood.

Did the police suggest to you any place where you might have seen blood?—I don't really know anything that I was asked at the police station because I was very agitated, it being the first time in my life that I had been to a police station.

Did they ask you if Morrison had slept in?—Yes.

And what did you say?—That he slept at home. The police

Steinie Morrison.

Annie Zimmerman

have been back to my house two or three times since then and they have asked me if I still told the same story, that Morrison had slept in his bed that night. On one occasion the police came to my house with an interpreter, but I cannot remember what questions were asked on that occasion. The police have tried the bolts of the door and have measured the passage in the room. I remember an occasion when they called and took away something with them.

Have you seen the accused in possession of paper money before he left your house?—I have not seen, but my husband has seen, and he has shown it to me.

Were you present when Morrison has shown it to your husband?—I was in the room, but I did not notice, because the children were crying.

Cross-examined by Mr. MUIR—Do you know whether Morrison went out after he came home that New Year's Eve?—He did not go out.

You are quite sure about that?—Yes.

Could Morrison let himself in and out with his key?—Yes.

Could Morrison go in and out with his key without your knowing it?—You can hear if anybody locks the door. Nobody can come in without being heard.

When did you know for the first time that he was going to leave your lodgings?—Two o'clock in the Sunday afternoon.

The first of the year?—Yes.

He had given you no notice before then?—No; he had no need to give me any notice.

Were you indoors when he returned on the Sunday in the afternoon?—I was indoors, but I was in the yard, and returning I saw him in the room.

What was he doing when you were returning?—He done nothing, but he said he is going to pack up all his clothes.

Did the prisoner keep any spirits in his room?—Once he took in cherry brandy.

Did the police take away a number of empty bottles of cherry brandy from his room?—I think three or four bottles.

How long was prisoner with you altogether?—Three weeks, and the next Friday would have been four weeks.

Now, you made a statement to the police, did you not, on 8th January at Leman Street police station?—I myself never told them anything but what they asked me.

Was it written down in your sight, and did you sign it with your mark?—Yes.

And witnessed by Inspector Ward?—Yes.

Was it through an interpreter?—Yes.

Did you say this to the police "As soon as he took the room he paid me three weeks' rent in advance?—Yes.

Evidence for Defence.

Annie Zimmerman

“ I then gave him a key for the front door which he kept himself ”?—Of the street door.

The front street door?—Yes.

“ Morrison used to get up in the mornings about nine o'clock and return between eleven and twelve at night, always letting himself in with his key. My husband and I used to wait up at nights for him and lock the street door. On Saturday, 31st December, 1910, Morrison got up at 9 a.m. the same as on other days. I think he went out about ten o'clock, but I could not say as the clock was in Morrison's room. He came home about 2 p.m. and remained a while in his room and went out again. I next saw him about twelve o'clock at night, when he entered with the key he had in his possession. He took the key of the room which I kept when Morrison was out and went to his room. This was the last I saw of Morrison that night. The next thing I saw of him was between nine and ten in the morning ”?—Yes.

Now, did you say this at the Police Court; “ Morrison had his own key to go out and come in without me knowing it ”?—Yes.

Re-examined by Mr. ABINGER—Could he come in and out in the day time with his key without your knowing it?—Yes.

Could he go out at night time without your knowing it?—No.

Did Morrison pay his rent in advance?—Yes.

Would you therefore expect any notice if he wished to leave?—When he took the room he gave me 9s. and he told me he was taking it for three weeks.

The Court adjourned.

Fifth Day—Friday, 10th March, 1911.

ELI GILBERT, examined by Mr. ABINGER—I am attached to V Division. On the instructions of Mr. J. Troutbeck, coroner for the south-western district, I took, developed, and printed five photographs of the deceased man Beron. Any suggestion that I touched them up is untrue. Those photographs (exhibits 13 and 13A) were used at the inquest.

Cross-examined by Mr. MUIR—Did you retouch an enlargement that you made of one of those photographs?—No, I cannot retouch.

Did you mark it with broad lines?—Yes, I marked one of them, indicating the marks on the face.

Which were not in the photograph at all?—They were in the photograph I believe. There were lines in the photograph.

And you made them broad lines?—Yes, that was for my own information; it was my own picture.

Re-examined by Mr. ABINGER—The one that I put the marks on was for my own keepsake—not exhibited at all.

MAURICE ZIMMERMAN, examined (through an interpreter) by Mr. ABINGER—I am a tailor working at 106 Mile End Road. My employer's first name is David; I am not sure of his second name. I live with my wife at 91 Newark Street. I know the accused; he lived with me for about four weeks. I go to work about eight o'clock in the morning. The accused was usually up earlier than I, and he used to wash in the yard. He would sometimes go to bed at nine, and sometimes at ten, and eleven, and the very latest at twelve. He had a latch key. The key of his bedroom and the key of his wardrobe were kept in the kitchen. I saw him before the New Year wearing a gold watch and chain. I have also seen him with paper money, but not with gold. He had paper money the first week he came to our house. I have seen him with jewellery similar to exhibit 41. He told me he was dealing with these cheap articles.

I remember New Year's Eve. I was at home about seven o'clock that evening, and I did not go out again that night. I went to bed about twelve or five past twelve.

At what time did you see Morrison come in, if he came in at all?—About twelve or five past twelve. It was my custom to lock the street door. I used to be the last to come home because I worked till eleven o'clock at night. On this particular evening, however (a Saturday evening), I came home at seven o'clock.

If you came home before Morrison would you go to bed or would you wait up till Morrison came home?—I used to wait. When he

Evidence for Defence.

Maurice Zimmerman

came home on that Saturday night, 31st December, he went to bed, and after bolting the door I went to bed. I cannot say exactly what the time was, but it must have been about twelve. I cannot say how many minutes past twelve as my watch stopped. I slept with my wife and baby child in the next room to Morrison's. The bolt used to close very hard, making a noise that I could hear. I did not hear any noise during the night in question. If the bolt had been drawn that night I would have heard it, as I am a light sleeper. I got up the next morning about nine-thirty or ten o'clock, and I saw Morrison when I got up. I did not see my wife take his milk up. I do not know when he went out that morning. I did not see him when he called in the afternoon. I saw him the following Sunday, 8th January, about ten o'clock in the morning. He had come for his washing, and my wife went and fetched it. While she was away for the washing I remained with Morrison.

Was anything said by Morrison to you about Paris or France?—I cannot remember.

Did you ask him why he had not gone to Paris?—Yes, and he said he should not go. When I came home at twelve noon that day I saw the police. I told the police that I had seen Morrison that very day at my house. The police took me to the police station, and I came home after three o'clock. The police officers asked me whether Morrison had slept at home on the night of the New Year, and I told them he had come home at twelve o'clock. I cannot remember whether the police asked me if I had heard the accused go out during the night. They took a statement from me that day and asked me to sign it, and I made a cross. I cannot say how many times subsequently the police came to my house.

During the time that Morrison lived in your house did you ever see him with a knife 5 or 6 inches long?—Never.

Or a crow bar?—No. I did not know the deceased man Beron; he had never been in my house to my knowledge.

Cross-examined by Mr. MUIR—Morrison could not have got in on the night of 31st December without a latch key. Nobody could get in without the latch key.

Do you say that you bolted the door every night?—Yes.

What is the necessity to bolt the door if nobody can get in without a latch key?—That a thief should not be able to get in. It is a difficult bolt to bolt; it makes a great noise, it shrieks.

Does it waken the children every time you bolt it?—No, it never wakes up the child, the child sleeps.

Mrs. ESTHER GROSE, examined by Mr. ROLAND OLIVER—I am the wife of Solomon Grose, who is a tailor's presser, and I live with him at 93 Newark Street, where we have been for thirteen months. The front of our shop on the ground floor is used as a ladies' trimmings shop. I know the accused, he lived next door

Steinie Morrison.

Esther Grose

to us, at 91. I know Mrs. Zimmerman. I remember the evening of 31st December. I was standing at the street door that evening about twelve o'clock, and I saw the accused pass the door. He took a key and let himself in at the door. There is a light outside. About five or ten minutes after he went into No. 91 I heard the door bolt—I could hear the noise of the bolt. This would be at 12 or 12.30. I did not shut up my shop until nearly one o'clock, because I had some customers. We open on Saturdays at about six o'clock in the evening. I did not hear any one go out of No. 91. When I went to bed it was nearly two o'clock. I got up next morning before nine, and I saw the accused in the yard washing himself under the tap. There was only a very low wall between us.

Cross-examined by Mr. MUR—I have known the accused for about three weeks. I cannot say that I saw him go home every evening, because I was not always standing in the door to watch who was passing. I would see him go home perhaps three or four times altogether, but I do not remember when these times were. The second time would be in the second week when he was there, but I cannot say on what day of the week it was. It would be about eleven o'clock. I cannot say what hour it was the first time I saw him go home; I did not look at my watch. The second time I saw him go home it would be about eleven o'clock.

So you saw him go home twice at eleven o'clock?—Yes.

You are quite sure about that?—Yes.

Did you hear the door bolted on each occasion?—Yes, but not always.

Did you hear the bolt go?—The last time.

Every time?—Only the last time.

You never heard the bolt go except that once?—No. I was standing there listening to the door.

That is the only time you heard the bolt go?—Yes.

How many bolts did you hear go?—Two.

How do you know it was two bolts?—Because we can hear; it is not so far.

You heard first one?—Yes. After I heard something which I thought was bolting—it was locked.

Did you hear the lock go?—I do not know what it was that was locked. I heard for sure it was bolted. I do not know it was two.

Two bolts?—I do not know it was two, but the door got bolted.

Re-examined by Mr. ABINGER—It was twelve o'clock when I saw the accused go home on the night of the New Year. I cannot remember when I heard that Beron had been murdered.

ESTHER BRODSKY, examined by Mr. ABINGER—I cannot speak much English. If you can understand me I will speak, but I cannot understand much you say. I am twenty-three years old,

Evidence for Defence.

Esther Brodsky

and I live with my father and my sisters at 71 Cleveland Street. My father is a tailor, and I look after the home. I went with my sister Jane, who is younger than me, to the Shoreditch Empire on New Year's Eve; it is about twenty-five minutes' sharp walk from our house to there. I think it was the third performance that we went to, but I do not remember. We got there about nine o'clock, and we sat in the orchestra stalls, the price of which was 1s. I do not remember any particular performance that I saw that evening. I recognise the accused in the dock as being a man that I saw that New Year's Eve in the Shoreditch Empire. He was sitting about three or four seats from us in the same row.

When you see a good-looking man in the stalls of a theatre do you look at him?—Well, it is not for that that I looked at him. I knew that man from sight, as I had seen him pass our door. Cleveland Street is near Sidney Street, and it is about ten minutes' walk from Newark Street. My sister and I left the Shoreditch Empire that evening about a quarter or half-past eleven. The accused went out before me, and I saw him at the door. I cannot remember whether there was an interval or not. The next time I went to the music-hall was on Monday, 2nd January. I went with my sister Jane and we sat in the orchestra stalls. When we came in on that Monday we happened to sit next to Morrison. I think I can only remember one part of the performance that night—a man playing the piano and singing a song. My sister and I had a conversation with Morrison about the play in the stalls. After the performance we walked home, and Morrison walked with us as far as the house: it was too late for him to come in. On the way home I mentioned to my sister that her birthday was on the next Saturday, and Morrison said he would like to call round and see us and bring her a nice birthday present if she would accept it. My sister said, "I could not tell you until I ask my father—if my father agrees." Morrison said he would call on Friday, and he did call between 5 and 5.30. My sister Jane opened the door and introduced him to my father. (Shown coat, exhibit 14.) I do not think he had that coat on; it was a big motor shaped coat with a big collar that he had on. Now that I look at exhibit 14 again I think it was this one. Morrison said to my father that he had a little present for my sister, and my father said that he did not accept presents from strangers, but because it was her birthday and he got it for her he could give it to her if he liked, and he gave it to her—a little silver watch. She does not have that silver watch now; she gave it to the police. On the Tuesday or Wednesday after Morrison was arrested the police called at our house and they saw me and my sister. They took a statement from my sister, but not from me. I went with her to Leman Street police station. Morrison asked my father's permission to take me or my sister to the Forrester's music-hall, where a pantomime was being played. I

Steinie Morrison.

Esther Brodsky

could not go, but my sister Jane went with my little sister Becky. This was on the evening of the day on which he brought the watch. They returned home about nine o'clock.

Cross-examined by Mr. MUIR—How many times altogether did your sister Jane see the accused to speak to?—To speak to, it was on the Monday night, the Friday night, and the Saturday night after, 2nd, 6th, and 7th January.

Was anything said about his marrying your sister?—I could not say about the conversation that they had together. She did not know him long enough for that.

Did he say in your hearing anything about their being married?—That I could not tell you.

Or to your father?—I could not say. He told my father about where he lived. He said he was a baker. At first my father asked him what he is. That was on the Friday night, and he said he was a baker, and he worked before at Lavender Hill or something. He gave my father his address. I could not tell you where it was, but he gave my father his address, and he said that now he is a traveller travelling with jewellery, and he also showed us a box which contained some brooches, and all the other things—common jewellery it was. It was not much value—little brooches and all the other things. One box I did see. He opened a box up and I saw there were brooches.

Did he say where he was living?—I did not hear all of it, but he said he was living at—I could not tell you; I do not remember it exactly. Perhaps my sister Jane can. I cannot.

Did he not give you an address?—Not to me.

Nor your father?—Yes, my father.

What was the address he gave your father?—I could not tell you; I only heard a few words. He said he would give my father the address where he worked and where he lived, but where it is I could not tell you. I have not got the address on me.

Was there any talk between you and your sister about this man wanting to marry her?—No, there was no talk at all. We did not have no chance to talk, they went away on Saturday night.

Did your sister Jane tell you that he wanted to marry her?—No, we did not have no conversation about that at all, because she did not tell me, and I did not ask her anything. I could not say because I do not know.

Was he making love to your sister Jane?—I could not tell you whether he made love or not. That I do not know. They only had a conversation because we knew him sitting there, and that is all it was. We knew him from seeing him, but we never had no conversation before that Monday night.

You went to the Shoreditch Empire on the Saturday?—On the New Year's Eve.

Evidence for Defence.

Esther Brodsky

You are quite sure about that?—Oh yes—certain—of course I am sure.

By Mr. JUSTICE DARLING—Are you quite certain?—Quite certain.

Cross-examination continued—And Morrison was there?—Yes, he was there; I could not say whether he was in the third or fourth seat, but he was in the same row.

That is in the same row as yours. You were not there by appointment with him?—No, I saw him there when we were going out at a quarter-past eleven. My sister pointed to him, saying, “You recollect seeing that gentleman?” I said, “Yes, I do.” He often used to pass our door. That is how I knew him, but I never spoke to him before that Monday.

He was in the same row as you and your sister?—Yes.

Who was there first, you or Morrison?—On the Saturday night?

Yes?—I could not say. I noticed him as we were sitting. I could not say whether he came in first or whether he came in after. I noticed him there as they started playing. It must have been nine or half-past nine—about that time.

And you went again to the music-hall on the Monday?—On the Monday, as there was a different company there.

And you went into the stalls again?—Yes.

Did you sit down next to Morrison or did he come and sit down next to you?—No, he was sitting there when we came in, and we sat next to him.

Did you sit next to him because you saw him there?—No, because they were seats in front; I did not like to sit at the back.

It was quite by accident?—My sister Jane sat there first, and I sat afterwards.

It was quite an accident there happened to be vacant seats next to him?—Yes.

Did you look at the performance on the Saturday?—Yes, that is why I went again on the Monday.

And was there the same performance on the Monday as on the Saturday?—No.

Can you tell me any difference between the Monday and the Saturday performances?—Well, I cannot tell you. I cannot remember on the Saturday, but I know there was a Jew man there playing a piano, but otherwise I do not know.

Can you tell me any single item in the programme that you saw on Saturday?—On the programme? No.

Have you seen anything of the accused since he was in prison?—No.

Have you visited him in prison?—I beg your pardon.

Have you gone to Brixton Prison to see the prisoner?—No.

You are quite sure about that?—Oh, certain—I am certain of that.

Steinie Morrison.

Esther Brodsky

Has your sister gone to Brixton Prison to see the prisoner?—I could not tell you yes or no to that; I do not know.

Do you mean to suggest to the jury that your sister might have been to Brixton Prison to see the prisoner and you not know it?—I could not tell you whether she did or did not. That I cannot say. I do not know whether she did go to see him or whether she did not.

Do you on your oath say that your sister never told you that she had never been to Brixton to see the prisoner?—She never told me nothing.

By Mr. JUSTICE DARLING—She has never told you whether she has been to Brixton Prison or not?—No.

Cross-examination continued—Has there been any communication with the accused at all?—I could not say; I do not know.

Has she ever told you whether she has been in communication with the prisoner?—I could not tell you anything about that; I do not know. If I do not know it is no use saying. I know what I say, and say what I know.

Has your sister ever told you whether she has been in communication with the accused?—My sister never told me nothing.

Has your sister ever told you whether she has ever been to see the accused's solicitor?—Yes; she took me up to him. She told me she was going to see him.

How often?—I cannot say how often. She may have been there once or twice.

How often have you been there?—Only once.

When was that?—It is a few weeks ago, but I cannot remember how long.

And you have had no communication with him since. Have you been writing to the prisoner's solicitor?—No.

How long have you been in England?—About sixteen or seventeen years.

By Mr. JUSTICE DARLING—Did you take your seats beforehand, or did you simply walk in and pay your shilling?—We walked in and paid a shilling.

By Mr. MUR—I thought you said something about early doors?—I know there are early doors, but when we went in we paid a shilling. Perhaps it is a booked seat; that I could not say.

JANE BRODSKY, examined by Mr. ABINGER—I am sixteen years of age, and I live with my father and two sisters at 71 Cleveland Street. About two weeks before Christmas I saw Morrison pass our house nearly every day during the week. On New Year's Eve I went with my sister Esther to the Shoreditch Empire. We took seats in the stalls, and the performance had commenced by the time we went in. I saw Morrison in the music-hall that New Year's Eve. I recognise him in the dock, and I am quite certain that he

Evidence for Defence.

Jane Brodsky

was at the music-hall that night, sitting in the same row as we were, a few seats up. I only remember one part of the performance—Harry Champion, who comes in with a ginger wig on and sings “Ginger, you’re balmy.” I do not remember any of the other turns, but I remember that one, because he was the favourite there. When the performance was over I saw Morrison going out of the music-hall up the steps and into the street. I do not remember anything else that happened at the music-hall that night.

Do you remember a fight or a row or anything of that sort?—No, I do not quite remember that. I did not speak to Morrison that night. We left the music-hall between 11 and 11.30, and it would take us about twenty-five minutes or half an hour to walk home to Cleveland Street. Cleveland Street is opposite Jubilee Street.

On the Monday after the New Year I again went to the same music-hall with my sister Esther. It was a different programme, and Mr. Champion was not singing. I remember one or two of the turns. There was Harry Harris, who played the piano and sang, and then there was one dressed as a Scotsman—I cannot remember his name. Morrison was sitting next to me. I had not made an appointment to be there with him. He was there before we came in, and he spoke to us and asked permission to see my sister and me home. He walked with us as far as our home, and on the way my sister happened to mention that the following Saturday, the 7th, was my birthday. Morrison asked me if I remembered him on the Saturday keeping me up from falling and I said I did. On the Saturday, 31st December, about two o’clock, he passed our place; I slipped and had it not been for him I would have fallen. When my sister mentioned that the 7th was my birthday he asked if he could come round on that day. I told him I could not give him an answer, but if he would come round I would ask father if he could come in. He said he would like to bring me something as a birthday present. He called upon me on 6th January, about 5 p.m., and I introduced him to my father. He asked my father’s permission to give me a watch as a birthday present. My father told him that he never allowed me to take presents off anybody that he did not know, but as it was my birthday he could give it to me if I wanted to take it. (Shown exhibit 60.) That is the watch which he gave me. He asked my father if I could go with him to the Forrester’s music-hall, because it was just round the corner from where I lived. My father said I could go, but not alone. Morrison took me along with my younger sister Becky, and we saw the “Babes in the Wood” pantomime. He brought us home about nine o’clock and came in and had some tea which was made by my sister Esther. When I saw Morrison on those occasions he was wearing a long overcoat, a long ulster. (Shown exhibit 14.) It was like that coat. Before he left that evening he said he would call and see me the next day, the

Steinie Morrison.

Jane Brodsky

7th. He called about four o'clock and saw me as well as my father and my sisters. He stayed till about seven and then we walked from Cleveland Street down the Mile End Road, took a motor bus to the top of Tottenham Court Road, and then walked to Rotto's in Fitzroy Square, Charlotte Street. Rotto's are grocery shop people; I did not know them before. We went into their house and saw Mr. and Mrs. Rotto and had refreshments. Morrison took me home about ten o'clock by motor bus to the corner of Cleveland Street.

By Mr. JUSTICE DARLING—Was anybody with you and Morrison?—It was me and Morrison alone.

Examination continued—The police called upon me on the Tuesday or Wednesday after Morrison was arrested—I cannot say the exact date, but it would be the 10th or the 11th. There were two of them and they came into the house.

Were you frightened?—No, not very; I knew I had nothing to be frightened of. They knocked at the door and I opened it. They asked for "Miss Brodsky," and I asked them what they wanted; they said it was not me they wanted, but another Miss Brodsky—"Jane." I told them that was me. They came and saw my sister in the kitchen, and they said, "It is her we want and not you," because they had found my sister's photograph in Morrison's pocket. They called my sister out and asked her whether she went with Morrison and she told them no.

I call for that photograph, the sister Esther's photograph?—It was a photograph of my other sister, Tillie. The police then asked me when I first knew Morrison, and I told him I first spoke to him in the Shoreditch Empire on Monday, 2nd January. I told them about him seeing me home and about the watch. They wrote a statement themselves—they asked me questions and I answered them. (The photograph was handed by the accused to Mr. Abinger.) That photograph—exhibit 61—is the photograph of my sister Tillie which I have referred to.

By Mr. JUSTICE DARLING—Morrison was up at our place on Friday, 6th, and saw the photograph on the mantelpiece. He asked if he could have it and my sister said yes, he could have it if he wanted it.

Examination continued—When the police were taking your statement did they ask you whether you had seen Morrison on New Year's Eve?—They did not. On the back of the photograph exhibit 61 there is written "To Steinie Morrison from darling Tillie Brodsky." That is not my sister's handwriting. The police have fetched me up to Leman Street police station about four or five times.

Had you told the police you were going to give evidence for Morrison?—No. I saw Inspector Ward, Inspector Wensley, and Sergeant Cooper, and I recognise them in Court to-day. Some-

Evidence for Defence.

Jane Brodsky

times they kept me a long time at the police station, and sometimes not quite so long. They would put questions to me for about an hour or so at a time. I told them I could not make a statement on my own accord, but if they would ask me questions I would answer them. I signed three statements on three different occasions. I have been to Brixton Prison since Morrison has been charged with this offence. Once I went with my father and once with my sister, otherwise I went alone. I should say that I have been about four or five times to see Morrison. I saw him through the grille. There was only the warder there besides us, walking up and down, and I would be there for about ten minutes or a quarter of an hour. On the second occasion I think my sister Tillie was with me. My sister Esther has never been to the prison with me. I went there at Morrison's request; he wrote and asked me to come.

Was that it (exhibit 14 handed)?—Yes, that is the one.

Mr. JUSTICE DARLING—It was like that, was it?—Yes.

Examination continued—Before he left that evening was an appointment made as to his seeing you or your father or somebody again?—Yes.

Who?—He said he would call and see me to-morrow.

That is the 7th?—Yes.

Did he call?—About four o'clock.

Who were there besides yourself?—My father and my sisters.

How long did he stay?—Till about seven.

And then?—He went to Mr. Rotto's.

I want you to tell us this particularly; you walked from Cleveland Street?—Yes.

Which way did you walk?—We walked down towards Mile End.

You came out of Cleveland Street and walked down the main road—the Mile End Road?—Yes, and then took a motor bus to the corner of Tottenham Court Road, and then walked down to Rotto's.

Where is Rotto's?—In Charlotte Street.

Fitzroy Square?—Yes.

What is Rotto's?—Grocery shop people.

By Mr. JUSTICE DARLING—Did you know the Rottos before this?—No, I never knew them before.

Examination continued—Did you go into Rotto's house?—Yes

Who was there?—Mr. and Mrs. Rotto.

Did you have refreshments there?—Yes.

What time did he take you home?—About ten.

Cross-examined by Mr. MUIR—Was Monday, 2nd January, the first time you had ever spoken to this man?—Yes.

And Friday, the 6th, the second time?—Yes.

And Saturday, the 7th, the third time?—Quite so.

Did he make love to you?—No, not exactly.

Not at all?—No.

Never?—Never spoken; he has not spoken himself of love.

Steinie Morrison.

Jane Brodsky

Has he spoken of marriage?—Yes; he did not exactly say that. He asked me if I would give him permission to go with and then marry me. I told him he had better ask father. Father said he would give him permission to go with me, but not to talk any rot into my head, as I was young yet.

When was it this talk of marriage took place?—On the Friday or Saturday.

For the first time?—For the first time.

You had seen him on one occasion only before?—I had seen him; I had spoken to him on one occasion before, but I had seen him various times before.

That was said on the Friday, was it?—Yes.

Then on the Saturday you went out with him alone?—Yes.

And he took you to Mr. Rotto's?—Yes.

Charlotte Street, Soho Square?—Fitzroy Square.

How long were you there?—From about half-past seven to ten.

Did he introduce you to Mr. Rotto?—Yes.

How did he introduce you?—I cannot exactly remember it. I think he said, "a lady friend" or "the girl I intend to marry"—I cannot say for sure.

How many interviews did you have altogether with police officers?—I have been to the Police Court about four or five times, but I have been spoken to about sixteen times.

Were some of the interviews long interviews?—Yes.

And was the subject of those interviews the nature of your acquaintance with Morrison?—Yes.

Anything else?—That is all.

That was the whole subject of it—how long you had known him?—Yes.

And that kind of thing. You did not want to keep anything back from them, did you?—I did not know that telling them that on the Saturday before I had seen him would be of any value. They did not ask me whether I had seen him before and I did not tell them. I told the police officers I did not know how to make a statement of my own accord, and if they would ask me questions I would answer them; otherwise I did not know anything.

Had you any reason for keeping anything back from them?—No, not the first time, but afterwards I had.

What was the reason you had after the first time for keeping things back from the police?—Because they were bullying me too much.

Bullying you?—Yes, they tried to say things to me that I could not know and did not know what to answer to.

What officer bullied you?—Inspector Wensley asked me things—if I had known Morrison five years ago, and he said he had also been told that I have been going about with Morrison from five years ago or at the time we lived in Jubilee Street. I

Evidence for Defence.

Jane Brodsky

told Inspector Wensley if he knew how old I was at the time I lived in Jubilee Street. He said no, but he had been told by a certain man that I had been going with Morrison in Jubilee Street. I told him I was the age of ten or eleven, and I did not know Morrison then. He said, "Well, it is funny that the man should come and say that you did." I said, "I did not know him. Do not believe him, believe me," and I asked him to bring the man in front of me and I would answer the man's questions and not him.

Is that the bullying you are referring to?—I did not like the way he spoke. He asked me certain things I did not like. On one occasion the police officers asked me if I had noticed anything in Morrison's pockets. I told them that that was a nice question to ask me, and that I did not look in other people's pockets.

Anything else?—I cannot exactly remember every word they said to me.

Had you any other reason for keeping anything back from the police?—No.

No other reason at all?—No.

Did you ever at any of those interviews tell the police that you had seen Morrison in the Shoreditch Empire on the Saturday night?—No.

Never once?—Never once, because Mr. Ward asked me if I had ever seen Morrison before I told him I had, but I was angry at the time and would not answer any questions.

What were you angry about?—Because I asked them not to send anybody round to my home as the people in the street were talking of police officers coming to my door. I asked them several times not to do it, but they went on doing it. One day I came home for dinner and they said I was to come at once. Being hungry I did not want to, but they said I must. I was not going to walk through the street with a police officer, and so I told him to go before whilst I followed. He went on, but he waited for me at the top of the street; he did not believe I was coming of my own accord, but he waited for me. I told him to walk on the other side of the street, and we walked on different sides all the rest of the way. At the police station they kept me waiting for about a quarter of an hour outside. They then said come inside. Inspector Wensley and Mr. Ward were there. They told me they had kept me waiting because I was in a temper. I told them they ought not to have done it because I was wasting enough time, and time was money. Mr. Wensley said why was I in a temper and why did I not want to come. I told him that I asked them not to send any police officer, and that if he had wanted me so urgently why did not he send a post-card. He said because he wanted me most important. He said he had lost a statement of mine. Is it possible for a police officer to lose a statement? I

Steinie Morrison.

Jane Brodsky

told them I did not believe they had lost the statement. Mr. Ward said Inspector Wensley could prove he had lost the statement and he asked me again what time it was I had noticed Morrison at the Shoreditch Empire on Monday night. I did not want to answer. I told them I had told them once and that was enough. They said I was compelled to tell them everything. I told them it was nine o'clock. Then he asked me had I ever seen Morrison before? I said I had. They asked me when, and I told them it was no concern of theirs.

Then it is not true that you were not asked whether you had seen him before the Monday night?—That was after I had already made my statement to the lawyer.

You were asked whether you had seen Morrison before?—That was quite a long while after—not the first time—that I told them I had.

Listen, madam, you told this gentleman that you were never asked whether you had seen him before. Now you tell us you were asked?—I said that the first time they came they did not ask me if I had seen him before.

Why did you not say that when you were asked whether you had ever seen him before?—Because I was angry with them, and did not want to answer them. I told them I would appear before the magistrate and tell him everything. They said there was no need for me to go before the magistrate; I was no use—my evidence was of no use.

You had seen the prisoner's solicitor before you gave that answer to the police?—Yes.

Had you seen the prisoner also in prison before you gave that answer to the police?—Once, I think.

Had you told the police that you had seen Morrison passing your house?—Yes.

You had told them that?—Yes.

Why did you keep back from them that you had seen him sitting in the same row of the stalls on the Saturday night?—They did not ask me the question, and I did not answer them.

They did ask you the question?—If I had ever seen him before, but not at any place. Mr. Lumley asked me if I had seen him at several places and I told him once before at the Shoreditch Empire.

I am asking you about what you told the police. You told the police that you had seen him passing your door. They asked you whether you had seen him before and you never told them that you had seen him in the stalls three seats from you on the Saturday night?—No, because I was angry and refused to answer any questions at all, only they told me I had to answer those as I have already said.

You say you went to the prison because the prisoner asked you?—Yes.

Evidence for Defence.

Jane Brodsky

Have you got the letter?—I do not know, I will see.

Have you got the letter?—I do not think so.

On your oath have you got the letter?—I said I do not know, it may be somewhere at home; I cannot say.

Did he ask you more than once?—Yes.

In letters?—Yes.

Have you got the letters?—I do not know.

Will you swear you do not know?—I will swear I do not know.

Are you sure you have not got them?—I cannot swear they are not at home somewhere; I do not know.

How many letters have you had?—I cannot say exactly; I have had a good many.

While he has been in prison?—Yes.

Look at that photograph. (Exhibit 61 handed.) Look at the back and tell me whose handwriting it is in?—Stein Morrison's.

Re-examined by Mr. ABINGER—Who was it who told you that your evidence was of no use?—The inspector; they told me I would not be called in Court because my evidence was not of much value.

My friend Mr. Muir has elicited from you that you did not like the police going round to your house?—No.

Or policemen waiting at the corner of the street for you?—No, because the neighbours were already speaking of the police coming round to me.

Which police officer suggested that you had known Morrison for five years?—Inspector Wensley.

By Mr. JUSTICE DARLING—You were at Rotto's house from half-past seven till ten o'clock that evening?—About that time.

Whereabouts were you during all that time?—We were in Rotto's house. I cannot say the exact name of the street.

You mean in another street?—Yes.

In a private house, was it?—Yes.

Were you alone with him?—With him and Mrs. Rotto.

Did you know anything about Florrie Dellow at this time?—No.

Do you now?—Reading the papers I know who she is.

Did you know where he was living at that time?—No.

Did he tell you where he lived?—No.

Did you ask?—I did not ask.

Was he proposing to marry you at this time?—Yes.

Had you agreed to marry him?—I told him I would see.

Did he spend money while he was out with you?—Not much.

On what sort of things did he spend money on you?—He paid for me to go to the Forrester's, and he paid my fare on the motor bus.

Did he pay for refreshments anywhere?—No.

At Rotto's did he pay for anything there, or were they friends of his?—Friends of his.

Steinie Morrison.

Max Mannis

MAX MANNIS, examined by Mr. ROLAND OLIVER—I trade as “The Japanese Laundry.” I know Mrs. Zimmerman who lives at Newark Street. She brings washing to me. For four weeks she brought me washing which she told me was for her lodger Morrison. I remember New Year’s Day, but I cannot remember whether Mrs. Zimmerman brought any washing after that. I remember the police officers coming to me on Sunday night and producing the ticket for Morrison’s washing. That washing was brought to me by Mrs. Zimmerman on the Monday morning, and it consisted of three collars, two handkerchiefs, a sheet, a towel, and a flannel shirt. Morrison’s laundry mark was 217 with a cross. (Shown handkerchief, exhibit 62.) That is my mark. (Shown collar, exhibit 10.) There is no laundry mark on that. (Shown bundle of linen, exhibit 63.) Those are the things the police called at my place for, and they have Morrison’s laundry mark. The first time the police officers came they asked me whether I noticed blood on the things when they came to the wash, and I said, “I do not take notice of that, I could not examine all the things that come into the place.” When parcels of linen come I open them, but I only examine the number—I do not take notice of any stains. If there were blood on the linen that came to me I would see it, but I do not take any notice of that.

Mr. MUIR—My lord, may I recall Miss Esther Brodsky to ask her a question on a point on which I have just received information, and may the sister be out of Court while she is being examined?

Mr. JUSTICE DARLING—Yes.

ESTHER BRODSKY, recalled, further cross-examined by Mr. MUIR—When we went to the Shoreditch Empire on the Saturday I think my sister paid, and also on the Monday. Sometimes I take the tickets and sometimes she takes them. We never go in for more than a shilling seat; we always pay a shilling. We entered the hall on the Saturday about nine or a little past nine. I think the performance had begun when we got in. We got the seats in the stalls all right. I do not remember whether there were many vacant seats when we got there. We did not go in by the early door.

Was the acting manager standing at the pay box and telling people that there were no seats before nine o’clock?—I do not remember that.

You had seats?—I had seats, but whether it was before nine or after nine I could not tell. I did not look at the time.

By Mr. JUSTICE DARLING—Do you say that you got in by paying a shilling on that night of New Year’s Eve?—Yes.

Not going in by the early door?—Yes.

That there was room for you?—Yes. I am not making any

Evidence for Defence.

Esther Brodsky

mistake about the date, because we wanted to go and hear the bells at St. Paul's Church, but we thought we would get home too late, and instead of going there we went to the Shoreditch Empire.

Cross-examination continued—I want to put this to you, that that being New Year's Eve the lowest price for the stalls was 1s. 6d. Are you not making any mistake?—I am not making any mistake. I am certain what I paid. I could not tell you what the prices were at the time, but I know what I paid. I cannot remember whether I took tickets or whether my sister did.

By Mr. JUSTICE DARLING—Either you or your sister paid the 2s. at the box office?—The box office.

Cross-examination continued—I put it to you that that was impossible?—You put it to me that that is impossible. Then it must come out that I am a liar if you speak the truth.

It does—exactly?—Well, I speak the truth. I know we paid 1s.

Further re-examined by Mr. ABINGER—The Shoreditch Empire is not a very large music-hall, and it is not very small.

Whether you paid 2s. or 3s. that night, were you there that night?—We were. After leaving the music-hall we did not go to the bells at St. Paul's as it was too late.

JANE BRODSKY, recalled, further cross-examined by Mr. MUIR—We went to the Shoreditch Empire at nine o'clock on the Saturday. I know the time because I never go in before nine; the performances began at nine. There were only the two seats left at nine o'clock; we just came in time. The performance had just started. They were lifting the curtain up when we went in. Our two seats were in the stalls, about three or four rows from the stage. I paid 1s. When we went on the Monday it was at the same price and we were in the same part of the house, about three or four rows from the stage. We paid the same price on the Monday—1s. I do not remember whether I paid, but I think I did.

Do you swear you went there on the Saturday?—Yes.

Do you swear that you got two vacant seats?—Yes.

Just as the performance began?—Yes.

Do you swear that you paid 1s. each for yourself and your sister?—Yes.

Do you know that the price was raised on the Saturday?—I daresay it is—early doors, but I know that I paid 1s.

Do you know that the price was raised for the orchestra stalls to 1s. 6d. each?—I do not know that.

And that you could not have got in at nine o'clock or at any other time for 1s.?—I know I got in.

For 1s.?—For 1s. I know I paid 1s. and got in.

And that before nine o'clock there were no seats left in the

Steinie Morrison.

Jane Brodsky

house, and that people were standing?—People may have been standing, but I got two vacant seats.

And the assistant manager was standing at the pay office door and telling people that there were no seats?—Well, there were just two empty. Whether the people had got up I do know, but there were two seats empty for me and my sister. We were sitting at the end of the row and the seats were not very convenient. Not everybody cares to sit there because they would not be able to see because of the poles that were in the way. There were people standing; the place was full.

Further re-examined by Mr. ABINGER—Whether the prices of the seats were 3s. or 2s., were you there on the night of 31st December?—I do not know anything about the price. I always pay 1s. when I go into that part. I swear that I paid 1s. on 31st December.

How many times have you been to a music-hall?—Not often. This is the first two times I have been there. My father told me I could spend 1s. at the music-hall, and I spent 2s. in seats for myself and my sister. I think I gave two single shillings. I did not know Florrie Dellow, but I have heard of her through the papers and I have heard that the accused was living with her.

Do you come here voluntarily to speak on behalf of Morrison?—I come to tell the truth. I come to say nothing that I do not know, but all that I know.

Was it your desire to come here and speak on behalf of Morrison, knowing that fact about Florrie Dellow?—I knew that Morrison lived with Florrie Dellow, but I came here to say what I know.

By Mr. JUSTICE DARLING—My sister Tillie is a tailoress.

When did you first know of this murder of Mr. Beron?—I do not very often read the papers. I did not know till Morrison was arrested. I think it was the same day that the police came and when Morrison's photograph was in the *Daily Mirror*.

When you first saw the police and made a statement, did you know that Morrison was suspected of murder?—Yes.

You knew at that time, did you, that you had seen him in a theatre on the very night when the murder was committed, 31st December?—Yes, but I did not think that seeing him before would be of use to the accused. I did not know what was valuable to the police.

But why did you not tell them, "I saw Morrison as late as eleven o'clock at night on the 31st, the night of the murder"?—Because I did not know that it would be of any value. I asked the police to ask me questions, and I would answer them. I had never made a statement before, and I did not know what was really needed for a statement. They asked me when I first knew Morrison, and I told them what I said about the Shoreditch Empire on the Monday

Evidence for Defence.

Jane Brodsky

night. I cannot say that I know anybody if I have not spoken to anybody.

Why did you not say, "I saw him there on Saturday night up to eleven o'clock"?—As I answered before, I did not think it was of any use. I did not think that if I saw anybody it was to know them.

They asked you, according to you, when you first knew him?—Yes.

You knew at that time he was suspected of committing this murder on that very Saturday night?—Yes.

Did it not occur to you that, if you could show that he was at the Shoreditch Empire until eleven o'clock, it would have some bearing upon where he was on the night that the murder was committed?—No, I did not think of that at all. I did not think that would be of any value, because I heard that the crime was committed at midnight.

You heard the crime was committed at midnight, and you knew where he was up to eleven o'clock?—Eleven o'clock is not midnight.

Did you know where the murder was committed?—Yes.

Did you know that was a long way from the Shoreditch Empire?—Yes; but according to the time that the paper writes the murder was committed, he could have been in many more places between the times.

Is that the reason why you did not tell the police you had seen him up to eleven o'clock that night?—I did not think that would be of any value.

Before this time he had already asked you if you would marry him?—Yes.

Did you conceal from the police that you had seen him up to eleven o'clock because you thought it would help him?—No, I did not say anything to help him; I only said what I knew.

Did you conceal it from them because you never saw him there at all?—I did see him. I swear that I saw Morrison there on the night of 31st December. Nobody can deny my own eyes.

Tell me plainly, why did you not tell the police that?—Because, as I say again, I did not think it would be of any use. I did not know what was really valuable to tell the police in a matter like this. I thought that what you see at the time it is done is of use, and afterwards and before is of no value.

When did you first realise that it was worth your while to mention that you had seen him at the Empire that Saturday night?—When I read in the paper about Mr. Snelwar saying that he had been at the restaurant that night, I asked the advice of a friend of ours in the workshop. They advised me to go and see the lawyer and tell him that I had seen him there, and that it could not be true that he was at the restaurant. That was the same week after I had seen the police.

Steinie Morrison.

Jane Brodsky

Why did you not tell the police that before going to the lawyer?—I understood, as the lawyer was for his defence, it would be better for me to see the lawyer.

You never told the police from start to finish?—No, because when I first saw the police I did not hear of this yet. Afterwards I did, and I told the lawyer.

You saw the police after you saw the lawyer?—Yes.

Why did you not tell the police then?—Because I was angry with them.

ERNEST MELBOURNE EDWARD LEWIS, examined by Mr. ABINGER—I am a clerk at the head office of the Capital and Counties Bank. In the early part of last December I was cashier in the Commercial Road branch. On 2nd December a man came to the bank in Commercial Road with £35 in cash, and asked for bank notes.

Look at the accused. Can you say if that was the man?—Well, I do not know that I remember him. I could not be sure. I do not know that it is the business of bank clerks to know people's faces. The man I have referred to was talking to me for a very short time—just necessary to ask for the transaction. I do not remember his exact words, but I presume he asked if we could give him £35 in £5 bank notes, and I agreed to do so, and made out an exchange form and asked him to sign it, which he did. I then gave him seven notes of £5 each. (Shown exhibit 65.) That is an exchange slip, and it says, "Capital and Counties Bank, £35. Steinie Morrison. Please give bearer cash for discount specified in margin on my account."

(The accused handed to counsel a slip of paper on which he had written his name twice, marked exhibit 66.)

I have seen some signatures of Steinie Morrison in Court to-day.

In your opinion, are they, or are they not, the signatures of the man who signed the form at the bank?—I should say that the signatures were signed by the same man.

Cross-examined by Mr. MUIR—The notes that I gave him were all dated 24th November, 1909, and were numbered 79424 to 79430. I have compared the handwriting on the piece of paper written in the dock (exhibit 66), and the handwriting on the back of the photograph postcard (exhibit 61), and the handwriting on the exchange slip (exhibit 65), and I should say that these are the same.

The "S" in the handwriting in the dock to-day is made differently to what it is on the exchange slip?—Yes.

The "S" on the exchange slip is very open, like the open thing in a fiddle?—Yes.

ISABEL SAUNDERS, examined by Mr. ROLAND OLIVER—I am a spinster, and I live with a married sister at 69 Manchuria Road, Clapham Common. Our road leads right on to Clapham Common. I remember walking across the Common at 8.30 on the morning of

Evidence for Defence.

Isabel Saunders

2nd January. There is marked with a cross on the plan which is now shown me the spot where I found a handkerchief stained with blood. The handkerchief when I found it seemed damp—from dew, I should have thought. It was lying at the railings by the side of the grass. When I found that handkerchief I had heard that there was a murder at Clapham Common. My sister told me at breakfast time that there had been a murder. I picked up the handkerchief and put it in my pocket, and then at lunch time I took it to Scotland Yard.

By Mr. JUSTICE DARLING—When I found the handkerchief it was right at the end of the path leading from the bandstand. A good many people walk along every day near where I found the handkerchief.

Examination continued—I do not know on what spot of Clapham Common the murder was committed.

Cross-examined by Mr. MUIR—The handkerchief was lying on the ground by the railings when I saw it. It caught my eye at once as I passed.

WILLIAM WHIDDETT, examined by Mr. ABINGER—I am a taxi driver, and I usually stand at the Clapham Common rank, opposite the Alexandra public-house. The lights of the shops, public-houses, &c., are all out about twelve o'clock, and the only light that is left is an ordinary lamp in the middle of the rank. I am short-sighted, and I always wear spectacles, with which I can see very well.

Assuming that a man were coming from the direction of Clapham Old Town, round the apex of the triangle, at three o'clock in the morning of 31st December or 1st January, what do you tell the jury as to the possibilities of being able to speak to that man's face?—I should not look at him. I should simply say, "Cab, sir?" and if he said, "I want Kennington," then he would get in, and off we would go.

But if you did look at him, what should you say?—I should not be able to recognise him again, because I would not take sufficient notice.

Could you, under such circumstances, describe the coat, trousers, hat, and handkerchief that such a person was wearing?—No, not even in the day time.

Mr. JUSTICE DARLING—The witness started by saying that he would not look at him.

Mr. ABINGER—That is just one point of the defence. A cabman does not look at his fare.

The WITNESS—No, he does not.

Cross-examined by Mr. MUIR—My taxicab rank is just outside the tramcar shelter. There are two ranks, a horse cab rank and a taxicab rank, but there are no horses there now hardly; we always pull right up to the front.

Steinie Morrison.

William Whiddett

THE FOREMAN OF THE JURY—When we were at Clapham we wanted to find out whether there was any mixing up of the taxicabs and the hansom cabs. We found that the taxicabs were at the extreme end, away from the clock tower, and as far away as they could be from the place indicated on the plan where the driver Stephens says he took his cab.

By **MR. JUSTICE DARLING**—There are generally about two horse cabs on the rank, and we generally pull up as close to the cabs as we can. The horse cabs are nearer the clock than the taxicabs.

Re-examined by **MR. ABINGER**—I should think that the taxicabs are about 20 yards away from the apex of the triangle.

FREDERICK STALDEN CROCHER, examined by **MR. ABINGER**—I am a taxicab driver. I have no particular rank, but if I am anywhere near Clapham Common I generally put up at the rank near the Plough. At three o'clock in the morning, when the public-houses and other places are closed, the light is not very good; it would be rather a doubtful light I should say.

When you have a fare do you take particular notice of the passenger?—No.

Or his clothing—what he is wearing?—Not in a general way, not as a rule—unless there is something remarkable about it.

If you collected a fare at three o'clock in the morning of 31st December at Clapham Cross cab rank could you speak to that fare or his clothing ten days afterwards?—I could not, unless something specially drew my attention to it.

MICHAEL GOLDBERG, examined by **MR. ABINGER**—I live at 11 Fournier Street, Spitalfields, and I am a salesman in the hosiery department of Messrs. Gardiner & Co., Commercial Road. (Shown exhibit 31.) That is my invoice, dated 4th January, and it shows that I sold a vest and a pair of pants, half a dozen collars, two shirts, and a pair of cuffs, the total value being £1 5s. 3d. (Shown exhibit 68.) That is the class of collar, the price being 8d. each.

Just look at exhibit 10. Is that collar identical with the other collars that I have just put to you?—I cannot swear that it is one of the half dozen collars that I sold to him. I think it has been washed before—the button hole has gone too far for a collar that has been worn only three days.

Is that collar identical with the clean collars in front of you?—Yes, it is one of the same cut and make of collars—same size, and the same quality. The police have not been to see me.

Cross-examined by **MR. MUIR**—These collars were bought on the 4th and the prisoner was arrested on the 8th. Do you know that?—Yes.

Evidence for Defence.

Michael Goldberg

You say that that button hole is gone too far for a collar that has only been worn three days?—Yes. Messrs. Gardiner have been making that pattern of collar for more than two years. They have more shops than one at which they sell those collars. We will sell about ten dozen of these collars in the week.

Re-examined by Mr. ABINGER—Look at the accused, can you say that you have ever seen this man?—Well, I think this is the man I served.

Mrs. FLORRIE DELLOW, examined by Mr. ABINGER—I am a married woman, and I have been living apart from my husband at 116 York Road for six or seven months. My bed-sitting-room is on the ground floor and I pay 6s. 6d. a week. The landlord is Mr. Frank. On the floor above there live Mr. and Mrs. Hall. Mrs. Hall does my washing and cooking and other work. I first saw Morrison between twelve and one on 1st January. Mr. Frank introduced him to me in my room. I had heard of him before then as Mr. Frank told me he knew a gentleman whom he would like to introduce to me. When I met Morrison he said that I looked lonely and he asked me if I would care to live with him. I said I would if he looked after me and he said he would. He said that he would first ask the landlord's permission. He stayed with me on the Sunday night, and went away the next morning between ten and eleven o'clock, I think. He said that when he got the landlord's permission he would come back. He came on the Tuesday evening about six o'clock to live with me. He told me then, on the Tuesday, that he travelled in cheap jewellery which he took round the coffee houses. He left me about 10 or 10.30 on the Tuesday night, as I told him I had a friend coming and it was not convenient. He went to see my little boy at Camberwell Gate and we had supper together. He returned with his luggage on Wednesday, 4th, between eleven and mid-day. He brought his luggage in a cab. He continued to sleep in my room from that day till the Saturday morning. I had a friend coming and I told him it was not convenient for him to come home that night, and he said it did not matter, he would see me the next day. I saw him put on clean clothes that morning.

By Mr. JUSTICE DARLING—He put on clean underclothing on the Saturday morning?—Yes, after he had been in the baths. Mrs. Hall happened to come into the room whilst he was changing his clothes.

Examination continued (Shown exhibit 12)—I put his cuff links in that shirt before he put it on. He took a clean collar out of a box labelled "Gardiner's" and put it on. There was some of his dirty linen in a basket under my bed.

During the time this man was staying with you did his nose

Steinie Morrison.

Florrie Dellow

bleed?—Yes, I think it was on the Thursday morning. He left me about eleven o'clock on the Saturday. On the Sunday morning, about 11 or 11.30, three detectives came to my house. Mrs. Hall and another lady were in my room at the same time and they sent them out, and then they locked themselves in with me, and searched my place. They were there for quite an hour and a half. I said, "I do not know who you are," and one of them said, "I don't think he is here. I have not seen him to-day," and he added, "Oh, you will soon know." Then he asked me if I was a foreigner and I said, "No, I am not." They searched my purse and they asked for Morrison's clothing and for any dirty clothes. I recognise Inspector Ward as the officer who asked for those dirty clothes. They took some dirty linen from the basket under the bed.

Cross-examined by Mr. MUIR—You have lived six months in this house?—Six months, yes.

Do you take men home there?—I have a few friends which visit me.

With the knowledge of Mr. Frank?—Well, he knows.

And Mrs. Hall?—Mrs. Hall knows certainly, yes.

That you take different men home there?—My friends; I do not take different men; I have my friends there.

You are a common prostitute are you not?—I beg pardon, no.

You have been convicted?—I might have been, that is nothing to do with this case, is it.

For prostitution in the street?—Yes.

More than once?—Twice, the same detective that took me has been home with me twice.

Then he made no mistake about you?—He did not make a mistake I do not think, no.

Who else lives in this house besides you and Mrs. Hall and Mr. and Mrs. Frank?—There is an old lady has the back room; she is seventy-three; she is an old-age pensioner. There was a working man upstairs, but he has left.

When did you first see that collar box?—It must have been about the Wednesday I think.

How many collars were taken out of the box?—I could not say how many, but there were several.

Did you take any out on the Wednesday?—Yes, I took a clean one out and gave it to him.

In the morning?—In the morning, yes.

Are you quite sure about that?—I am quite sure.

What time in the morning of Wednesday did you take a clean one out of that box?—Nine or ten, I could not swear to time.

When you got up in the morning?—When I got up, yes.

You swear that, do you?—Yes, I do swear to it.

Do you know that that box was not bought until the Wednes-

Evidence for Defence.

Florrie Dellow

day?—Well, I cannot say for Wednesday, or if it was Tuesday; I am not quite sure of the day.

By Mr. JUSTICE DARLING—But you have sworn to it?—Well, I thought it was Wednesday; I was so confused, I have been so worried I cannot remember anything.

Cross-examination continued—Had you ever seen Morrison before you saw him on the morning of Sunday, 1st January?—No, my landlord had told me about him, but I had not seen him.

Did he tell you where he was living?—Yes, in the East End.

Will you swear that he did?—I will not swear, but I feel sure, because he had a room down there; he was paying 3s. 6d.

Did he not tell you that he was living in Tottenham Court Road?—Whitfield Street.

Tottenham Court Road?—Well, I do not know where it is.

Did Frank tell you that the accused was living in Whitfield Street?—Yes.

Did the accused tell you so?—Yes, Whitfield Street, but I thought that was in the East End.

Do you know Tottenham Court Road?—No. I have been down Tottenham Court Road, but I do not know any of the streets or by-streets.

Do you think that Tottenham Court Road is in the East End of London?—I cannot tell you; it is in the city, is it not?

How long have you been in London?—I have not lived in London long.

Where have you lived during the last year?—Westminster Bridge Road. I have lived there for three years. Before that I was in Lincolnshire.

Do you tell the jury on your oath that you do not know where Tottenham Court Road is?—I do not; I do not go about, so I do not know.

Will you swear that prisoner told you that he lived in Tottenham Court Road?—In Whitfield Street or Whitfield.

Did he tell you what he was?—Yes, a traveller in cheap jewellery.

Are you sure he said that?—I am quite certain sure. I had his card to that effect.

Did you tell the police that you understood the prisoner was a diamond merchant or jeweller?—No, I did not say diamond merchant; indeed, I did not. They took my card, and on it was a diamond dealer and jeweller, but I did not tell them so; they read it for themselves on my card.

That is the card he gave you?—Yes.

Did you tell the police “I understood him to be a diamond merchant or jeweller”?—No, I did not; a dealer in common jewellery I said.

Did he have any money while he was living with you?—I did not see much money.

Steinie Morrison.

Florrie Dellow

How much did he give you?—About £2.

What form did he give it to you in, gold or silver?—I do not remember.

Where did he take it from?—From his pocket.

Did you see a paper bag in his possession with gold in it?—No, I do not think I did, no.

Did you see any banknotes in his possession?—Yes, I saw one or two. I could not say how many.

Have you been visiting the accused in prison?—I have, every day except Saturday.

Any other people in your house?—Yes, Mrs. Hall, also Mrs. Wheeler, an old lady, also another friend I know.

Has Frank visited him?—I have heard he visited him, but I do not know whether he got a visit.

Do you not know that Frank visited the prisoner in prison?—Well, I know he went.

Did you see him after he went?—I saw him that night.

Did he tell you he had seen prisoner?—Am I bound to answer your question?

By Mr. JUSTICE DARLING—Yes, you are?—Yes, he did.

Mr. ABINGER—Of course, my lord, that is not evidence, what Frank says to somebody behind the back of this man.

Mr. JUSTICE DARLING—It is cross-examination.

Re-examined by Mr. ABINGER—My friend has thought it necessary in the discharge of his duties to ask you if you are not a common prostitute; you were a married woman?—I was. I lived with my husband at Tooting, South Norwood, and at South Wimbledon, but he deserted me.

Had you any means of support?—No, my father is a publican, and he has always helped me. I have two children; my mother has them; and I have one little boy that I keep.

Does your husband contribute anything to their support?—No.

Have you ever been brought up to any trade or occupation in which you can earn your living?—Yes, I have been on the stage.

Did you endeavour to earn a living on the stage?—Yes, but I was not very long; I got married.

My friend has asked you if you have been prosecuted; I did not quite hear your answer?—Yes, I have.

What was it for?—Soliciting, he said.

Were you fined?—Yes, I paid my fines.

Has any other charge ever been brought against you in your life?—Never.

ERNEST MELBOURNE EDWARD LEWIS, recalled, further examined by Mr. ABINGER—I do not remember whether I gave him the £35 loose or in a bag. It is not at all usual to put notes in a bag.

Evidence for Defence.

Anna Hall

Mrs. ANNA HALL, examined by Mr. ABINGER—I am a married woman, and I live with my husband in Mr. and Mrs. Frank's house at 116 York Road, on the first floor. We have been living there for eight or nine months. I do cooking and washing for Florrie Dellow, who lives below me, and I also take in a little washing. On the first Saturday in the New Year I went into Mrs. Dellow's room about half-past nine or a quarter to ten to fetch something for their breakfast. The accused was in the room changing his clothes. He changed his under-drawers, under-shirt, top shirt, pair of socks, and a collar. I saw Mrs. Dellow take his collar out of a cardboard box at the side of the bed. Mrs. Dellow asked me to do the washing, and I collected them up and put them in the bath with her washing. I saw Mrs. Dellow take two links out of one shirt and put them in the other shirt. I have not seen the police at all in connection with this matter. I have been twice to Brixton Prison, and have seen the accused there.

Why did you go?—Because I thought I should like to see him. I went along with Mrs. Dellow.

Cross-examined by Mr. MUIR—I have been in the room on several occasions while Morrison was dressing. I believe he changed his underclothes once a week.

Why do you believe that?—By having his clothes to wash.

Did you ever have his clothes to wash at all?—Only once, when they were taken away with Detective Ward.

You did not have them to wash at all?—No. I could not say whether Mrs. Dellow always took the links out of his cuffs.

Did she always put out a clean collar?—Yes, and put it on the bed.

Always taking it from that green box which is in Court?—Yes. The first time I saw him dressed was on the Wednesday morning.

Did she take a collar out of the green box on the Wednesday morning?—Yes, I believe she did—I remember it quite plainly. I am not aware that she took men home to sleep with her, but I believe she had two or three gentlemen callers. I could not say whether they slept the night, as I never troubled about that, my place being in my own husband's house.

When those other gentlemen were there with Mrs. Dellow did you go in while they were dressing?—No.

How is it you favoured the accused by going in when he was dressing?—Well, I believed they were going to knock their heads together—they were going to live together as man and wife.

Re-examined by Mr. ABINGER—I am a respectable woman.

HERBERT RAGGETT, examined by Mr. ABINGER—I am a warder at H.M. Prison, Brixton. The prisoner's nose has bled once since he has been in Brixton Prison, on 28th February. I reported it to the medical officer, Dr. Dyer. The bleeding lasted for two or three minutes, as far as I could see.

Steinie Morrison.

Herbert Raggett

Cross-examined by Mr. MUIR—I made a note of it at the time. The accused called my attention to it and told me to put it in the book and to report it, which I did.

WILLIAM CUNNINGHAM, examined by Mr. ABINGER—I am a warder at H.M. Prison at Brixton. Morrison's nose has bled once to my knowledge since he has been at Brixton—at 7.30 a.m. on 15th February. I made an entry in the book, and reported to the medical officer. In my report I stated that the bleeding appeared to come on quite naturally. The accused was very excited, and requested that a note be made of it.

STEINIE MORRISON (prisoner on oath), examined by Mr. ABINGER—I was born in Australia, and I am between twenty-nine and thirty years old. During September of last year I was in the employment of Mr. Pithers, baker, 213 Lavender Hill, my wages being 12s. a week, board and lodging. I used to start at twelve o'clock at night and finish about nine in the morning. During the day I used to sleep till six in the evening, and then I used to get up to make dough till eight in the evening, and then I slept again till twelve. I think it was on 10th November that I left Mr. Pithers. I had a letter saying that my father was ill, and I intended to go home, but I received another letter saying that he was better, and that it was not necessary for me to do so. I told Mr. Pithers at the time that I was leaving this country when I left.

You did not go?—No. I bought a stock of common jewellery and started travelling with that. The first time I bought any it was at the corner of Tottenham Court Road, but I do not know from whom I bought it, as I did not keep the receipt. When I left Mr. Pithers I went to 4 Whitfield Street, where I stopped for two days, and then I went to 5 Grove Street and engaged rooms there at 3s. a week. I went to 91 Newark Street on a Friday—the last Friday in November, I believe. During this period I earned £2 a week, sometimes more, sometimes less, but very seldom less. On 30th November I bought some clothes. On 27th or 28th November my mother sent me £20 from Russia—somewhere between 25th and 30th. My father is alive. (Shown exhibit 29.) That is a receipt for a suit of clothes, £2. (Shown exhibit 27.) That is a receipt from A. Feldman, dated 30th November, for an 18-carat gold watch, an 18-carat gold chain, and a 10s. piece, £9 17s. 6d. On the same day I bought an overcoat for £2 from Mr. Phillips' shop. The receipt was on me when I was arrested; I cannot tell what they have done with it. On 2nd December I bought at the same shop a mackintosh, for which exhibit 28 is the receipt, £1 17s. 6d. The same day I bought some clothes at Hope Brothers, the amount being £3 5s. 5½d.—scarves, handkerchiefs, tie, half-hose, vest, brushes, comb, slippers, and so on. Some time in December I bought a revolver for about 7s. or 8s. at a sale in

Evidence for Defence.

Steinie Morrison

a shop in Aldgate. I tried to sell it again on several occasions in Snelwar's restaurant, where I showed it to everybody, about thirty people, on many occasions. At the same time I bought a box full of ammunition (exhibit 21). I wanted 12s. for the revolver in Snelwar's, and on one occasion two men wanted to buy it. I loaded it to show them how it could be loaded, and it has been loaded ever since. I have only had it in my pocket on two different occasions; after that it was lying in my room all the time. On 2nd December I converted thirty-five sovereigns into bank notes at the Capital and Counties Bank, Commercial Road.

Where did you get that £35 from?—About 1st December I went to the club in Greenfield Street, where I used to go on several occasions to watch other people playing faro. On this occasion the croupier induced me to put up some money. I laid out £10, and at the end, towards ten o'clock, I had won £28, which, with the £10 I had put in, made £38. I paid the croupier £3, being a sovereign for every £10 and £1 extra, and I left the club with £35. I may mention that the bank bag which has been spoken about I got in this place. It was a bag for 5s. worth of silver, and I took it up to put the gold into it when I left the place. As regards the watch which I pawned on 23rd December, I could not sell it, and so I pawned it.

On that 23rd December were you in any need of money?—None whatever; I had close on £30, in fact. During the time I was selling this cheap jewellery and living in Grove Street or Newark Street, I was in the habit of going to Snelwar's Warsaw Restaurant. Sometimes I used to go in there about three times a day to have my meals, and sometimes I would miss a day or two.

Did you meet there the unfortunate man?—I did. I knew him by the name of "the Landlord." I did not know him by any other name. He was known by everybody in there as "the Landlord."

Did you kill that man?—No, I did not.

How often used you to meet that unfortunate man?—Every time he used to come in it was in the afternoon; he was always there, as well as his brother. I have been using the Warsaw Restaurant ever since I have been living in the East End, since about the month of November.

Did you ever see Beron with large sums of money about him?—I have never seen him with any money whatever, bar some silver he used to take out of his right-hand trouser pocket—silver out of a small purse.

Have you ever seen him with £20 or £30 in gold?—I have never seen him with any such money.

In a wash-leather bag?—I have never seen it.

It has been said that on one occasion you compared watches, or you saw his watch?—Anybody could see his watch, for the simple

Steinie Morrison.

Steinie Morrison

reason that, whenever he was sitting down by the table, his coat was always open.

Did you ever have it in your hand?—Never in my life.

Did he ever have your watch in his hand?—No. When Beron was in the restaurant, he always used to walk up and down and talk to everybody as well as myself.

Was he always there when you went to the restaurant?—Not always, but generally three or four days a week.

Were you ever in Beron's rooms at 133 Jubilee Street?—I never knew where he lived until it was put in the papers.

Was Beron ever in your rooms?—Never in my life, so far as I know, unless he has been there when I was out.

Was he ever in Grove Street?—Never; I did not know him at the time.

Was he ever in Newark Street?—No. I used to offer jewellery for sale in Snelwar's restaurant. I used to see the boy Jack Taw in the restaurant every day.

What was he doing there?—Loafing about all day long. I have seen him sometimes acting as a waiter. I never showed the pistol to him, but he was standing by, and saw it at the time I tried to sell it to those two men. I am a left-handed man. About 12th December I was travelling with common jewellery in Southwark Bridge Road, and as I was passing Frank's shop I saw him in the window repairing watches. I had got to know him eight years before. I went into his shop, and I heard then for the first time of the existence of Florence Dellow.

Have you met a man at Snelwar's restaurant called "the Colonial"?—Yes, the first time I went in there. He was a very old customer, going there every day. He has not been called here as a witness. I do not know his name, but everybody in there knows him as "the Colonial." He is also a jewellery traveller.

What is your habit as to changing your linen?—I used to change my linen every Sunday morning, sometimes on Saturday, very seldom. Always on Sunday morning I used to put on my best suit of clothes—that is, the one out of which pieces have been cut for analysing purposes. I used to wear a collar about two days, sometimes three. At that time I had six or seven collars.

I have here eight collars found by the police either at the laundry or at Florrie Dellow's, or at Newark Street. Were any of those collars bought at Gardiner's?—Six.

Mr. JUSTICE DARLING—What is the point?

Mr. ABINGER—The point here is this, that a man who had got six or seven clean collars is not likely to be wearing the same blood-stained collar that he was wearing on the night of a bloody murder committed eight days before.

Examination continued—As regards the chain I was wearing when I was arrested, I bought it on 23rd December somewhere near

Evidence for Defence.

Steinle Morrison

the London Hospital. I paid £1 10s. for it, but I did not get a receipt. I had two pairs of boots, one brown and one patent. I had a Homburg hat, a bowler, and a brown cap. I bought the hat in the Strand about 30th November or the beginning of December, and paid half a crown for it.

Before the last day of last year, did you ever walk with Beron homewards?—I never walked with him through the streets to my knowledge, so far as I can remember.

How would you, in the natural way, walk from Osborn Street, the Warsaw Restaurant, to Newark Street?—When coming out of the restaurant I generally turned to the left and came into the Whitechapel main road; then I turned to the left again, and straight along the pavement on the left-hand side up to Sidney Street at the corner; then I crossed the road and turned round the corner into Sidney Street, and when I came to Newark Street I turned to the right in Newark Street until I came to No. 91. I think I got up between eight and nine o'clock on 31st December; I generally get up about eight o'clock in the morning, sometimes nine. When I got up I used to go out and wash myself, and by the time I was dressed Mrs. Zimmerman generally brought some milk to me. I had a latchkey for 91 Newark Street, which I sometimes used in the day time, but very seldom.

At night did you use the latchkey?—I could not have come in at night if the door was bolted, but whenever I did come in at night, when the door was shut, I always opened it with my latchkey. The key of my room was kept in the kitchen. There was a wardrobe in my room, and the key for that was also kept in the kitchen, so that anybody who had access to my room could have opened that wardrobe if they wanted to.

Have you ever possessed a dagger 5 or 6 inches long?—I never had one in my life, so far as I know. The penknife that has been produced is the only one I had.

Had you in Newark Street a weapon which has been described as a bar of iron?—I had no weapon of any kind whatever in there bar the revolver. I see no reason why I should have such a thing; I had no use for it.

Where and when did you buy the flute that has been produced?—On 31st December, the last day of December—31st, I believe. I bought it in Aldgate, as you come out of Whitechapel into Aldgate, about the third or fourth stall on the left-hand side. I believe I bought some common jewellery down there, and I took a fancy to that flute and bought it as well. I paid 4s. or 4s. 6d., I believe, or something like that. I should think it would be between ten and eleven in the morning when I bought it. I had my breakfast that morning at the Warsaw Restaurant. Mintz kept me waiting for about a quarter of an hour. I saw him standing and talking in the kitchen, and I shouted out to him, "Hullo, what are you doing

Steinie Morrison.

Steinie Morrison

down there? Are you trying to hang yourself again?" Upon which he ran out of the kitchen, came to my table and served me; but he told me, "If ever I get the chance to get it out of you I will"—and I believe he is doing it now.

When did you first learn that the man had been in a lunatic asylum?—When I first came there he was not at that restaurant; he came to that restaurant, I should think, some time in November, and he began to be waiter there again, and they told me that he hanged himself.

I left Snelwar's restaurant after my breakfast, soon after nine, I believe, and I went to the stall in Aldgate, where I bought the flute. The flute was done up in brown paper and tied up with a bit of string, and I put it in my overcoat pocket. After that I went about travelling with that common jewellery.

Did you sell any?—Oh, yes. I had my dinner about half-past two, I think, somewhere in Commercial Road. I was at the time travelling with that jewellery round about Cambridge Road, in Commercial Road, and I happened to go at the back of Cambridge Road into Cleveland Street—that was about two o'clock in the morning, I believe.

Two o'clock in the morning—in the afternoon you mean?—Yes, two o'clock in the afternoon. As I was passing by Jane Brodsky—whom I had seen occasionally before but whom I did not know to speak to—was standing at the garden gate, and as she was coming out she happened to slip. She accidentally knocked into me and I apologised. I then went up the road towards Whitechapel and had my dinner in a restaurant, and afterwards I went up to Newark Street where I had a wash. I came to know Eva Flitterman some time about 25th December. I met her at 2 Harding Street, which is a prostitutes' house. I asked her to come home with me and she came with me to Newark Street. I gave her 5s. She was awake all the evening, she complained about the cold—and I gave her as a present a green scarf for which I paid half a crown.

By Mr. JUSTICE DARLING—She came with me to Mrs. Zimmerman's house in Newark Street in the evening and she stayed for about an hour and a half or two hours.

Examination continued—I went into Snelwar's restaurant on 31st December about eight o'clock in the evening. I do not remember looking at the time, but I do not believe it was later than that—it might have been a few minutes perhaps. I had the flute in my pocket when I went in. The little girl ran forward to meet me—the little girl I used to give fruit to—and asked me "What have you got in this parcel?" I said "A flute," and I took off my overcoat and hat and then took the parcel out of my pocket, gave it to the waiter who was standing behind the bar, and asked him to keep it for me till I came back from the Shoreditch Empire.

Evidence for Defence.

Steinie Morrison

I did not know the waiter's name at the time, but I know it now, to be Mintz.

You did it openly—could everybody in the restaurant, if they wanted to do so, see you give it to him?—I went inside, to the middle of the restaurant, and put it on the table. I took off my overcoat and hat and put it on the bench and then took the flute off the table, took it up to the bar, and handed it to him.

On your oath was there a bar of iron in that brown paper?—It was that flute that they have got down here in the Court. Nothing besides that so far as I know. I had some food of some sort; I do not remember what exactly it was but I should think it was a substantial tea.

Was Beron there?—I believe so, but I am not quite sure. I know that his brother Solomon was there. There were a lot of customers about the restaurant at the time—thirty or forty I should think—and I did not take no notice of anybody particularly.

It has been said by Mr. Snelwar that you were with Beron about nine o'clock. Is that true?—No, I could not have been.

That you stayed together with him until 11.45?—I did not.

That at 11.45 you two men went out together?—We did not.

Did you know this man Hermilin?—Yes, he was in the restaurant almost every day. I did not know his name but I knew him by sight. I have spoken to him, too.

He says that eight days before Christmas he saw you look at Beron's watch?—He never saw me doing anything of the kind. I used to see his watch and chain every day because his coat was quite open and anybody could see. I have seen his watch as he took it out to look at it, but I have never had it in my hand. So far as I know I never remarked that it was a very heavy watch.

Did you have the watch in your hand and did you remark that it was a very heavy watch?—I did not. It is not the case that I was taking tea with Beron between 8.30 and 9. I had my meal by myself and I left the restaurant at 8.30 and did not come back. I looked at my watch and I saw that it was 8.30 when I left the restaurant.

Why did you look at your watch?—I always do before I leave the restaurant and sometimes when I have meals. After leaving the restaurant I went to the Shoreditch Empire and I was in the place, I believe, ten or fifteen minutes before the performance commenced. I was standing behind at the time. The performance generally commenced about nine o'clock, but I cannot remember exactly. I have been there several times, but I have never had occasion to watch the time the performance commences. I remember I took out half a sovereign and put it on the counter and I got a ticket and some change—8s. or 9s.

Did you pay 1s. or did you pay 1s. 6d.?—I cannot remember, but when I did go to that music-hall I generally paid 1s. because

Steinie Morrison.

Steinie Morrison

that is the price of the place I go whenever I do go inside. I cannot remember paying more than 1s. even on a Saturday. I rather liked this music-hall, and I have been there on several occasions, and I always go to the same place, the stalls.

On this occasion you say you put down half a sovereign. Are you prepared to tell us whether you received 8s. 6d. or 9s. change that night?—I cannot exactly remember. Of course I expected to get 9s. change for the simple reason that I always paid 1s. I believe I can remember some of the turns at the music-hall that night. There was an actress—I believe it was Gertie Gitana. There was Harry Lauder.

By Mr. JUSTICE DARLING—I am not sure whether Harry Lauder was there—I cannot remember exactly.

Why did you mention his name?—Because I have seen him there. Then there were also a little boy and girl singing a song and acting as man and wife. There was somebody playing a piano; there was a lady singing; there was a gentleman dressed up as a Scotsman, and he spoke in the language of a Scotsman, too.

Examination continued—In the part of the house in which I was seated I saw Miss Jane Brodsky. I took notice of her because of her good looks. I also saw her sister, but I did not know that she was her sister at the time. I did not speak to them that night. I left the music-hall I think at 11.20 or 11.30; I am not quite sure, because it is such a long time ago, but I am perfectly sure it was after eleven o'clock. I did not have a programme; I never buy one, in fact. After leaving the music-hall I turned to the left along Commercial Street and I got to Snelwar's restaurant about 11.45 or something like that. It is a good twenty or thirty minutes' walk from the Shoreditch Empire to that place.

When you arrived there did you see Beron?—It is quite possible that I believe I did. I do not think he was sitting down: he nearly always stands up most of the time.

By Mr. JUSTICE DARLING—Do you remember seeing him on that night?—Yes.

Examination continued—There are separate tables with chairs round them in Snelwar's restaurant and any one can go in and sit down where he likes. As you go into the restaurant there is a bar where cakes, bread and butter and so forth are exhibited. Further into the restaurant there are about fourteen or fifteen tables.

Did you sit down at the same table with Beron that night?—No, of course I did not. The restaurant never closes before twelve o'clock on Saturday nights, and very often later.

How much later?—Well, I have not been there long enough to wait till they shut it up altogether; I generally leave before twelve myself.

Evidence for Defence.

Steinie Morrison

What time did you leave the restaurant?—I should think it was about 11.45 or 11.50. I had a cup of tea, I think, and a piece of cake. I do not think I had my coat off. I went to the bar and asked for the flute. While they were giving me the flute I called for a glass of lemonade. I drank the lemonade, put the flute in my pocket, and went out. I had on the brown motor cap that is now in Court. I had brown boots with very light spats, loose from the boots. If I wanted to take my boots off I took the spats off first.

The Court adjourned. ,

Sixth Day—Saturday, 11th March, 1911.

STEINIE MORRISON, recalled, further examined by Mr. ABINGER—When I came out of the restaurant on the night of 31st December I turned to the left; I came out into Whitechapel and turned again to the left, and went right along Whitechapel till I came to Cambridge Road, and then I crossed the road into Sidney Street. As I was coming round the corner of Sidney Street somebody shouted out to me, “Bon soir, monsieur.” I looked round, and saw the unfortunate man and another very tall man standing across on the other side of the pavement—that is, Sidney Street. I could see that man; he was very well dressed, but I could not see his face, as he was standing with his back towards me. I turned round the corner, went right up Sidney Street, and came to Newark Street, turned into Newark Street, and as I was passing No. 93 I saw a woman standing at the door, but I did not speak to her—one of the witnesses that came here yesterday, I believe. The next door was the house where I was living at the time. I let myself in with the latchkey, which I took out of my pocket, and went inside the kitchen. The landlord and the landlady, Mr. and Mrs. Zimmerman, were both inside. I took the key of my room from the mantelshelf in the kitchen and went to my room, locked the door, undressed myself, and went to bed. About ten minutes after I had gone into my room I heard the door bolted.

Upon your oath, did you leave that room again that night?—I swear that I never left this house till the first thing on the Sunday morning, 1st January, after nine o'clock. I got up between nine and ten, and went into the yard to have a wash. I then put on my jacket and went to the baths just outside of Sidney Street—Sidney Square, I believe it is. After I had my bath I came back home and went into my room and dressed myself. First of all I put on clean linen, and then I put on my green suit, the one I am wearing now. When I dressed myself Mrs. Zimmerman was putting the milk up to warm for me, and I stood outside the street door till it was ready. At the same time Mr. Zimmerman came along the passage and asked me the time, and I remember taking out my watch. I think it would be about twenty minutes past nine when I saw Mrs. Zimmerman that morning. When she brought my milk in I gave her my washing, and I paid her 3s. for my lodgings and 7d. for my milk. It was customary for me to pay my rent on a Sunday. After paying my rent, I put on my green overcoat and hat, and went up Newark Street, along the back of the London Hospital, and into Fieldgate Street. I went into a restaurant there—No. 7 Fieldgate Street, I

Evidence for Defence.

Steinie Morrison

believe it is, the one in which I was arrested. (Shown *Daily Graphic* of 9th January exhibit 73.) That contains a picture of the restaurant.

Why did you not have your breakfast at the Warsaw Restaurant? —Because I am not a regular customer down there. I had been in this restaurant on several occasions before, and had very often had breakfast there. One reason why I did not go to the Warsaw Restaurant was that Mintz kept me waiting the day before, and I complained to him. After I finished my breakfast I put on my overcoat and my hat, and came out of Fieldgate Street into Whitechapel, along Whitechapel into Osborn Street, and into Snelwar's restaurant. There were several customers in at the time. I saw Snelwar standing against the counter, and I asked him if he had seen the "Colonial" there, and he said that he had not been there yet, but he might be there by and by. I then left the restaurant and came out into Whitechapel, turned to the right, went towards the Bank, and from there I went to Westminster Bridge; I crossed Westminster Bridge and went to 116 York Road. About 28th December I received a postcard from Frank, the landlord, in which he invited me to come on a Sunday, and that he would introduce me to Florrie Dellow. I knocked at the door, and a little girl opened it, and I went in. Frank was in the kitchen with his wife and children having their breakfast. This would be between twelve and one, I think, or perhaps it was not quite twelve. Mrs. Frank was counting some money which they told me was their rent money. I saw two £5 notes on the table, and I asked her if she would oblige me with those notes for gold. She said, "You can have them if you like." Mr. Frank took two notes off the table and handed them to me, and I gave him ten sovereigns for them.

Why did you want bank notes for gold?—Because whenever I have gold I always change it into bank notes, as I do not like carrying loose money about with me. I am aware that bank notes have numbers upon them and can be traced. After changing the sovereigns into notes, I was taken upstairs by Mr. Frank and introduced to Florrie Dellow. It was arranged between her and me that I should live with her. I went back by railway to Newark Street, arriving there after two o'clock, and I told the landlady that my intention was to go away to Paris. I said that because I did not want her to think that I was leaving her place for a different place. I packed up my things and took my luggage and revolver, intending to go to St. Mary's railway station. On my way there I thought that if I went to 116 York Road without the landlord's permission I might get turned out, and that therefore it would be advisable for me to leave my things in the East End. Newark Street is a good half-mile's walk from St. Mary's railway station, and I did not wish to carry them back, and so I took them to the nearest place, 72 Romford Street, Fieldgate Mansions, just at the back of St. Mary's railway

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station—a private house kept by a married couple—I believe Taylor is their name. I left the revolver in the cloakroom at the station.

By Mr. JUSTICE DARLING—I engaged a room in this house at Fieldgate Mansions for 3s. a week, which I paid, and left my things there.

Examination continued—I did not go back to Mrs. Zimmerman's because it was such a long way to go back to Newark Street, and I had been carrying my things in my hands all the time.

Why did you deposit the revolver at the railway station?—Because I intended to go to Florrie Dellow, and I did not wish to frighten her with it. That was my only reason. After leaving my things at Fieldgate Mansions I went into Fieldgate Street, and from Fieldgate Street into Whitechapel, and then into Osborn Street, past the restaurant, and into a street which I know now as Thrawl Street, into No. 18, where the Flittermans lived. I got there some time in the evening, I cannot remember when. I went in and saw Miss Flitterman, her mother, her sisters, her brothers, and her brothers-in-law. The mother asked me for some money, and I cashed a cheque for Isaac Flitterman. I gave him eight half-sovereigns, taking the gold out of a brown paper bag. I also had some bank notes. I stayed at the Flitterman's for about two hours, leaving about 8.30 or nine o'clock, and I went to St. Mary's railway station and took a ticket for Westminster. From there I went to York Road, and I slept that night with Mrs. Dellow. Next morning, 2nd January, I had my breakfast with Mrs. Dellow, and I left her between nine and ten o'clock and went to Romford Street, Fieldgate Mansions, and took the common jewellery from there and went about travelling with it right up Mile End Road, Bow Road, and round about that district.

It has been suggested that you disappeared after 31st December. Were you, as a matter of fact, walking about that morning in Whitechapel?—Certainly.

What part?—The main road. I tried to sell my jewellery round about Bow, in all the coffee shops and restaurants. I took my mid-day dinner in a Christian coffee shop somewhere near Bow Road, which is a turning out of Mile End Road.

Dellow has told us that you could not sleep with her on Monday night; is that true—

The FOREMAN—My lord, are we to try all this? These details seem to me quite unnecessary. I do not know anything about the legal points of view. I am only talking as it appeals to us.

Mr. JUSTICE DARLING—I sympathise with your view very deeply, and I have tried to indicate that more than once. It is necessary, I think, that some sort of explanation should be given, but that it should be given in all this detail is to my mind absolutely unnecessary.

Mr. ABINGER—And to my mind, with great submission to your lordship, absolutely necessary, for this reason. It has been suggested that this man has committed a murder and disappeared. I am

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directing my questions with the view of showing that this man stood his ground, did not disappear, and walked about Whitechapel every day. Unless your lordship rules that I am not to do this, or the jury indicate that they do not want to hear it, I propose taking this man's life during the week that he was wanted. London was being ransacked, I might say, to discover the murderer of Mr. Beron. This man was reading the papers and knew that this was being done, and stood his ground, and I thought, to the best of my humble judgment, it was a most important fact, not from the point of view of the prosecution, but from the point of view of the accused.

MR. JUSTICE DARLING—Are you addressing the jury, or what are you doing now?

MR. ABINGER—I am addressing your lordship.

MR. JUSTICE DARLING—There is no need to address me on a point like this in such a rhetorical strain.

MR. ABINGER—If your lordship rules—

MR. JUSTICE DARLING—I rule nothing of the kind. I told the jury that, although I indicated to them that it is right and proper that he should give some explanation as to where he was between this time and his arrest, yet that it should be done in such detail as it is being led into now is, to my mind, absolutely unnecessary. If he gives some proper sort of indication where he was on each of those days, where he slept and what he was doing, that is enough. There is this that must be borne in mind, that he will be cross-examined, and if there is anything more that is desired to be known about it, he will be asked it then; but if he accounts for his time not in every detail, but with some sort of particularity, that is enough.

Examination continued—On the evening of 2nd January I was in the Shoreditch Empire. After I had sat down the Miss Brodskys came in and sat next to me.

Did you speak to either of them?—Yes; this was the first time I ever spoke to them. After we came out I walked home with them. I did not go inside their house in Cleveland Street, but I was standing outside for a quarter of an hour, I should think. That night I slept at Romford Street, 72 Fieldgate Mansions. The next day, 3rd January, I went about travelling with common jewellery. In the afternoon I happened to be in Southwark Bridge Road, and I went into Mr. Max Frank's shop and asked his permission to live with Florrie Dellow, and he agreed. After that I went to York Road, Lambeth. Before that I went to Flitterman's to get my umbrella, which I had left there on Sunday evening; I went through Osborn Street into Thrawl Street and past Snelwar's restaurant. I slept that night in Romford Street. I did not sleep with Florrie Dellow because she said there were some friends coming to her house and it would not be convenient. I walked out with her, however, through York Road and Westminster. She went to see her boy somewhere in Camberwell.

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When I got up on the morning of 4th January I had my breakfast in Fieldgate Street, in the restaurant where I was afterwards arrested, and then I went to Gardiner's shop at the corner of Commercial Road and Whitechapel and bought six collars and some other things. I then went to York Road, taking all my things with me. I continued to sleep every night with Florrie Dellow until Saturday. I was in Whitechapel every day. I can read English. During this period I was reading the papers every day.

Did you know of the hue and cry after the murderer of Mr. Beron?—Oh, yes, but I did not know that it was the "Landlord." I knew that there was a murder in the middle of Clapham Common, and that they were looking for the murderer, but I certainly did not know that that was the man. I did not know that his name was Beron. I knew Solomon Beron merely by sight; I did not know his name. In the restaurant he was known as the "Landlord."

On the evening of Friday, 6th January, I called at Miss Brodsky's, and I gave her a silver watch and a rolled gold chain as a present, which cost about 14s. or 15s., I believe. I took her and her little sister to the Forrester's music hall.

On the morning of 7th January, after sleeping the night with Florrie Dellow, I asked her where the nearest baths were, and she said, "You go outside, get on a tram, and it will put you down at Kennington Baths." I went and had a bath, and when I returned I changed my socks, pants, vest, shirt, collar, and two pocket handkerchiefs; I put on my Sunday clothes and Sunday tie. When I was going out Mrs. Dellow said that some friend was coming that Saturday night, and I said "It does not matter; I will come on Sunday morning." I slept that night at 32 St. James Street—Mrs. Cinnamon, a friend of mine I used to know a very long time ago. I slept with her son in the same bed. I did not go back to Fieldgate Mansions, because I had removed all my things from there.

By Mr. JUSTICE DARLING—You slept at Mrs. Cinnamon's—in what street was it?—32 St. James Street. I am not perfectly sure that that is the name of the street.

Whereabouts is it?—I heard Mr. Wensley mention that name, but I am not quite sure where it is. It is off Commercial Road. I should think it will be about 500 yards from Snelwar's restaurant.

Examination continued—I got up about eight o'clock on Sunday, 8th January, or perhaps past that. While I was washing my nose began to bleed, and as I was stooping down some blood got on to my left hand. I went that morning to Newark Street to get my washing. Mrs. Zimmerman went to the laundry to fetch the things, and when she came back she said that the laundry was not open. I went to Fieldgate Street and had my breakfast in the restaurant where I was arrested. I read the papers there.

Describe carefully when the police came into the restaurant; how many came in?—Three of them jumped in at once, but there were

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one or two afterwards. I was seized at once by two, and the third one, Inspector Wensley, caught hold of my arm. Inspector Wensley said to me, "Steinie, I want you for murder." The other two officers at once started rubbing my hands along my sides. I did not know what it was for. I thought they were going to put something in my pockets, and I said to them, "Please don't put anything in my pockets." My pockets were searched in the restaurant, and then I was taken through the streets. One detective held my left arm and another detective held my right arm; Inspector Wensley was within a foot or two behind me, and the other two were following up.

When you were taken to the police station what happened?—They searched my pockets and took everything out of them. Inspector Wensley was writing something in a book across the desk, and I was standing behind the desk. He said to me, "You will be detained at present, but you will be charged with murder when Inspector Ward comes." I was then put in an open cell. All my clothes were taken away from me—everything bar the pants, socks, and vest—and they gave me some blankets to put on. There were no people brought into the police station on that Sunday for the purpose of seeing whether they could identify me. I slept that night in Leman Street.

On the 9th I was taken into the office, where there were nine or ten persons, every one of whom was very shabbily dressed, poorly dressed, and I was told to stand among them.

You have seen all the witnesses now. Who was the first witness that was brought in?—I cannot remember; they, most of them, were out of Snelwar's restaurant. Castlin, the cab driver, was not the first man who was brought in. Mrs. Deitch came that morning, also Hermilin, Snelwar, Rosen, and several others. I should think it would be about ten o'clock, but I did not have a watch, and I could not tell the time. I was taken to Brixton some time in the afternoon, and I was charged formally there. I cannot remember whether I had my dinner at Leman Street or at Brixton. While at Leman Street I sent for Inspector Wensley and said that I wished to make a statement.

Inspector Ward has told us that you said, "I understand that I am detained here on a very serious charge, murder, I am told, and I desire to make a voluntary statement," and that he replied, "Very well, perhaps if you tell me verbally what it is we shall understand." Is that what took place?—Yes. I was put into the dock at the South-Western Police Court that afternoon. The Court was crowded, I believe. Whilst the case was proceeding at the Police Court my greatcoat was taken from me for examination. About a week ago—after I had been committed for trial—a suit of clothes was taken from me. That suit of clothes was not returned to me; I saw it yesterday in this Court. I feel perfectly sure that pieces must have been cut out of it as it was taken away for analysing.

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Mr. ABINGER—Sergeant Cooper tells me that pieces have been cut out of the trousers of that suit.

Cross-examined by Mr. MUIR—When you went to the Flitterman's on 1st January how much money had you in your possession?—I should think I had about £28, not more than that; I cannot tell you exactly. I had four bank notes, and I had £8 or £9 in gold.

Just look at the two bank notes which have been produced (exhibit 33). Are those two of them?—Yes.

Where did you get those from?—They are the two that I got from Mr. Frank for ten sovereigns.

Where did you get the other two from?—At Cook's offices; one of them I changed in York Road on Wednesday, I believe; we had some supper at Savage's restaurant. Cook's name is on the back of it as well as my name in pencil, "Steinie Morrison."

What had you given in exchange for those two that you got from Cook's offices?—Ten sovereigns. I wish to point out to you that I did not change them all at once, but one at a time; sometimes two at a time; it all depends how much gold I had got in my pockets; I very often change them like this.

Which of Cook's offices did you get those two bank notes from?—Aldgate. There is a bank at the corner of Commercial Street; the office is several yards away from that bank.

When did you get those two bank notes?—Before Christmas.

Where did you get the gold from that you gave for those two bank notes to Cook's?—When I changed my £35 into seven bank notes in Commercial Road in the course of business it was necessary for me sometimes to change it into gold, as sometimes going into a restaurant I had to oblige customers—on the Sunday especially—I cashed them cheques for £3 or £4 on different banks; I paid them with money and cashed the cheque afterwards. Sometimes they even paid me 6d. for doing so; and if I take those cheques to the bank, if they are £4 and less, sometimes I put a sovereign on the counter and ask them to give me a £5 note; but as I am not a customer at the bank they tell me they cannot do it for me, so they give me gold, and when I have gold I generally go into Cook's or somewhere else and change the gold into notes.

What I asked was where you got the gold from that you gave to Cook's for those two £5 notes?—I changed the bank notes which I had in the course of business for gold, and having gold in my pocket I went into Cook's and got bank notes for it.

You had £35 in bank notes on 2nd December?—Yes.

What did you do with those notes?—In the course of business I was obliged to change them. Afterwards when I had gold again I used to change it at Cook's for notes again or somewhere—wherever I had a chance to change it into notes.

In what business did you change £35 in notes between 2nd

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December and this date?—As I have told you before, if I go into a restaurant—

What was the business you were carrying on?—Paying out money for cheques and getting a sixpence, sometimes a shilling, for it.

A money changer?—Sometimes, yes; to oblige people who cannot go to the bank on a Sunday.

Can you name any single person for whom you changed a cheque between 2nd and 25th December?—No, certainly not; I never ask them their names.

Do you get their cheques?—Certainly.

With their names on them?—Is it my business to look at their names? Their names are not on the cheque.

Will you name any single person for whom you changed a cheque between 2nd and 25th December?—But you will excuse me; the name of the person for whom I changed the cheque is not on the cheque.

Answer my question. Will you name any person for whom you changed a cheque between 2nd and 25th December?—No, certainly not, because I never asked them for their names.

You cashed those cheques at the bank?—Yes.

Can you bring any witness to prove that you cashed any cheque between 2nd and 25th of December?—If I had known that I would be arrested and accused of a crime that I had never committed I would certainly take the precautions to take the names of those people, but, as I did not expect anything of the kind, I naturally did not ask them for their name.

Will you name any bank where you changed the cheques that you got?—I did not even know the name of the bank in which I cashed the cheque—the very last one—for the simple reason that I did not look at it.

You have told us that you got £38 in sovereigns in a gambling house?—Yes.

What date did you get that £38?—I believe it was on 1st December, between six in the evening and ten in the evening, or perhaps a bit later than that.

Had you ever been in that gaming house before?—I have been there once, yes; I used to go in there to look on—there are several gambling houses in the same street.

I am talking about that one?—In this one I had been twice—once before that occasion.

Have you got any witness at all who can say that you won money in that gambling house?—I do not know the names of those people, but I can bring forward—of course, I do not know where he lives, but I can give you the name of the croupier who drew the bank for me, if you could find him; his name is—

It depends absolutely on your word that you won that money at all?—I will tell you. If I had known that I would be arrested for murder I would certainly take precautions to get such evidence, but,

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as I tell you, I am arrested on a crime that I have not committed, and I naturally did not expect that such things would come up.

Have you got any witnesses to corroborate your statement that you won money at all in a gambling house on that date?—As I tell you, I can give you the name of the croupier.

Will you answer my question—

Mr. JUSTICE DARLING—He is trying to answer it. He says he can give you the name of the croupier.

By Mr. MUIR—Have you got any witnesses?—If I am taken by two police officers, or more, in a taxicab, I can take you to the place and bring you a dozen witnesses who saw me win the money there. As I do not know the name of the house, or the name of the people, I cannot give you their addresses, but if I am taken there I can bring you forward the whole house to prove that I won that money there.

Have you made any application to the Home Secretary to be allowed to go there for the purpose of finding witnesses who can prove that you won that money?—No, for the simple reason that I did not know anything of the kind would be allowed to me.

Have you ever told this story of winning £38 in gold until you came to this Court?—No, for the simple reason that I did not wish the detectives to go and bully all my witnesses as they did to every one of them that have been present in Court up to now.

But you have no witnesses to prove this?—No; as I told you before—the fact is there still—that I did have that money and did change it at the bank.

You told us also that you got £20 from your mother?—Yes.

When did you get that?—Between the 20th November and the 30th; I cannot exactly remember the date.

Where did the money come from?—From Russia.

What form did it come in?—It came in two £5 notes and a £10 note, as far as I can remember.

English money?—English money, yes.

What did you do with those notes?—I bought some clothes—everything almost that I have now bar a set of underclothes I bought at Gardiner's, and a pair of boots and shoes—everything else, as well as the gold watch and chain I bought for that money.

Have you got any letter that came with that money?—No.

Does that again depend entirely upon your word?—I destroyed that letter, for the simple reason that I did not wish to keep it with me.

Have you got any corroboration at all of your word that you got that £20 from Russia?—As I told you before, I have no witnesses to prove it, but the fact is there that I did have it; otherwise I would not be able to buy all those things. I did have it; the fact is there whether I am able to prove it or not.

Now, besides the £35 and the £20, what other money had you during the month of December?—I did not have any money bar that

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I used to get from the common jewellery, about £2 a week, sometimes £2 5s., sometimes £2 10s., but very seldom less than £2.

On 23rd December you pawned a watch and chain?—On 23rd December I pawned a chain for £4 10s.

Where had you bought that chain?—The chain, half-sovereign mounted, and gold watch I bought together between the 30th and the 1st or 2nd of December, I cannot remember the date, but the date is on the receipt, in Black Lion Yard, in a jeweller's. As you come from Whitechapel into Black Lion Yard it is on the right-hand side—it is the second or third jeweller's; I cannot exactly remember.

You have the receipt?—Yes, it is exhibit 27.

So that you bought that chain on the 30th November?—Yes.

Now I want to call your attention to the amount of money that you spent on that day. First of all, a pair of boots, one guinea?—Yes.

A suit of clothes that you bought from Lazarus, Limited, £1 17s.?—Yes.

Then Feldman?—£9 17s. 6d.

Hope Brothers, £3 5s. 5d. and 12s. 6d.?—Yes.

Then Simson, suit, £2?—Yes.

Then the overcoat, £2; you say you bought that the same day?—Yes.

Mr. ABINGER—My lord, I will at this stage ask my learned friend what issue this cross-examination is directed to.

Mr. MUIR—It is the possession of the money on 1st January which he attempts to account for in the way he has already stated.

Mr. ABINGER—That is not an answer to the point I put. I asked my friend what is the issue that this is directed to?

Mr. MUIR—The issue whether he was on the 1st of January in possession of the proceeds of the robbery of Leon Beron.

Mr. ABINGER—Then that is cross-examination directed to the credit of the witness, and I object to it.

Mr. JUSTICE DARLING—On what ground?

Mr. ABINGER—On the ground that, by the Criminal Law Evidence Act, 1898, such questions can only be put to a prisoner if the prisoner or his advocate have brought themselves within the provisions of section 1 of that Act. I would like to remind your lordship, if I may, of the provisions of that Act.

Mr. JUSTICE DARLING—I know the words quite well. Have you forgotten your cross-examination of Mrs. Deitch?

Mr. ABINGER—I have not forgotten anything.

Mr. JUSTICE DARLING—And your cross-examination of Mintz as to whether he twice tried to hang himself?

Mr. ABINGER—My lord, I do not accept that description of my cross-examination of Mintz.

Mr. JUSTICE DARLING—But the words were, "Have you twice tried to hang yourself?" That about Colney Hatch was introduced

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afterwards. If the question had stopped at, "Have you been at Colney Hatch for mental disease or aberration?" that would have been one thing, but there was this distinct cross-examination, and I pointed it out to you at the time, and I told you that I pointed it out because I did not think you were bearing in mind the terms of the Criminal Evidence Act.

Mr. ABINGER—Your lordship may take it from me that I was bearing in mind the provisions of this Act; but I submit with great confidence that, where counsel ask questions directed to show—and in some detail—that a witness has been trying to commit suicide, that is not a cross-examination directed so much to the credit of the witness—

Mr. JUSTICE DARLING—It was not the question of the lunatic asylum to which I called your attention; the question was that you asked the man whether he had not twice attempted to hang himself.

Mr. ABINGER—Then your lordship, if I might respectfully say so, might have waited till I finished the question, or, at any rate, asked the next question. The cross-examination was directed to show that this man Mintz might have been afflicted by the Almighty with madness, and therefore, apart from the man's character, was not a proper person to give evidence in a murder trial. Your lordship—I appreciate and acknowledge it—made that observation for my benefit, but it was heard by the jury and heard by everybody in Court, and could easily be appreciated and understood. At any rate, I submit that neither of those two questions was an imputation of felony, as your lordship said, or attempted felony, as your lordship said, upon a witness for the Crown. May I remind your lordship of the language of this section?—"A person charged and called as a witness in pursuance of this Act shall not be asked, and if asked, shall not be required to answer, any question tending to show that he has committed, or been convicted of, or been charged with, any offence other than that wherewith he is then charged, or is of bad character" (which is what my friend is doing), "unless (1) the proof that he has committed or been convicted of such other offence is admissible evidence to show that he is guilty of the offence—"

Mr. JUSTICE DARLING—That is not the one at all.

Mr. ABINGER—No. Then "(2) he has personally or by his advocate asked questions of the witnesses for the prosecution with a view to establish his own good character, or has given evidence of his good character—"

Mr. JUSTICE DARLING—Now comes the point.

Mr. ABINGER—Yes; "or the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor or the witnesses for the prosecution." I submit that the cross-examination by myself—a cross-examination made after the most careful consideration of this Act of Parliament—was not a cross-

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examination involving imputations on the character of the prosecutor or the witnesses for the prosecution.

Mr. JUSTICE DARLING—Did you not impute to Mrs. Deitch that she kept a brothel?

Mr. ABINGER—Will your lordship allow me to deal with this in order? It is a most serious matter, and I must deal with it in its order. Therefore I submit, with regard to Mintz, there was no cross-examination or imputation involving the character of that witness. I never asked him if he had been convicted for dishonesty or anything of that kind; I asked if he had attempted to commit suicide more than once, and had been confined in a lunatic asylum. If your lordship rules that that is cross-examination involving some imputation on that man's moral character, I bow to your lordship's ruling with the greatest submission. Now, as to Mrs. Deitch, your lordship must bear this in mind. I respectfully call your lordship's attention again to the language of this section; "or the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor."

Mr. JUSTICE DARLING—Why do you stop at the prosecutor?

Mr. ABINGER—I will go on; "imputations on the character of the prosecutor or the witnesses for the prosecution."

Mr. JUSTICE DARLING—You left out "or the witnesses for the prosecution."

Mr. ABINGER—My lord, it was a slip. Now, your lordship appreciates that at the date of my cross-examination of the woman Deitch there had been a cross-examination of the woman Flitterman, a witness of the same class, from the same district, and there had been evidence by a man who alleged that he introduced Flitterman to the prisoner. Eva Flitterman admitted, after cross-examination, that she had committed perjury of, I suggest, a most diabolical character.

Mr. JUSTICE DARLING—When did Eva Flitterman commit it?

Mr. ABINGER—At the Police Court.

Mr. JUSTICE DARLING—Had that been established before Mrs. Deitch was called?

Mr. ABINGER—Before she was cross-examined to credit—long before; I can tell your lordship the date.

Mr. JUSTICE DARLING—I have got a note of the witnesses.

Mr. ABINGER—She was called on 24th January.

Mr. JUSTICE DARLING—No, no; I cannot take notice of what was done in the Police Courts. The question is what was done here in this Court. Eva Flitterman has not been called at all.

Mr. ABINGER—I submit that in this particular case your lordship cannot close your eyes to the fact that in a murder trial—

Mr. JUSTICE DARLING—A murder trial does not differ from any other trial.

Mr. ABINGER—I shall submit that it does.

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Mr. JUSTICE DARLING—The same rules of evidence are applied in murder trials as in other trials.

Mr. ABINGER—The same rules of evidence, yes, but I submit that in this case your lordship must take into consideration the fact that in a trial (to use a neutral expression) Eva Flitterman had, before Mrs. Deitch had gone into the witness-box, admitted that she had committed perjury.

Mr. JUSTICE DARLING—There is no proof of that before me—none at all.

Mr. ABINGER—The proof before your lordship is on the depositions which have been put in. There is her statement to the police officer that she saw prisoner on the 1st January with a £5 piece, there being evidence at that time that the deceased man had a £5 piece; that Morrison had told her that he had pawned it and bought a chain with it. Then, my lord, on 28th January she came to the Police Court, and she said the whole of that was untrue, that she had never seen Morrison—

Mr. JUSTICE DARLING—I really am astounded at this argument. Here is a person who asks me to hold judicially that Eva Flitterman has been guilty of perjury.

Mr. ABINGER—I have not asked your lordship to hold it judicially.

Mr. JUSTICE DARLING—You tell me I ought to have regard to the fact that this evidence of Mrs. Deitch was given after Eva Flitterman had given her evidence. How can I hold that she committed perjury except judicially?

Mr. ABINGER—I do not ask your lordship to convict her of perjury.

Mr. JUSTICE DARLING—I did not say that you did. If you would attend to my words we should understand one another better. Before I can give a decision I must come to a judicial conclusion. You say it is before me that Eva Flitterman committed perjury. I say that I cannot find as a matter of judicial opinion that Eva Flitterman has committed perjury when I know that she has never even been accused of it or tried for it, and that the Public Prosecutor has been asked to put her upon her trial for it and has declined to do so.

Mr. MUIR—And the magistrate has refused process.

Mr. ABINGER—I hope my friend will not interrupt. I have quite enough to contend with. I will use a neutral term—not perjury—if that expression does not meet with your lordship's approval, but stating in the witness-box something which she afterwards says is not true. It cannot be suggested that that is not the fact, because I have put in the statement that she made to the effect that Morrison had this £5 piece on his watch chain on 1st January, and I have put in her sworn statement on 28th January that that is untrue.

Mr. JUSTICE DARLING—All that was done after your cross-examination of Mrs. Deitch.

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Mr. ABINGER—With great respect, that was only the formal matter.

Mr. JUSTICE DARLING—Oh, no.

Mr. ABINGER—Your lordship thinks not. I respectfully submit that it was; but what is not formal and what is the substantial matter is that long before Mrs. Deitch's evidence Eva Flitterman stated that what she had sworn at the Police Court was not true.

Mr. JUSTICE DARLING—Of that I knew absolutely nothing, because it was not proved in this case until afterwards. I do not come here with my mind full of what has happened in Police Courts.

Mr. ABINGER—What opportunity had counsel for the defence to prove this document then? I could not prove it at that stage. The case does not rest there. This case is a murder case, and although your lordship does not think that it makes any difference, I respectfully submit that it does. Rosen at the Police Court swore that he saw Morrison at half-past one in the morning in Whitechapel; he fixed the hour; he swore that he saw Morrison with a revolver; he is recalled by the prosecution for further cross-examination by the prisoner's counsel, and he stated on his oath that both of these statements were untrue. I do not use the word "perjury" again; I respectfully bow, so far as I can consistently with my duty to my client, to anything that falls from your lordship. He stated that both those statements were untrue, and that he had been threatened by Solomon Beron and David Beron and Deitch that if he came here and withdrew that false evidence he would be poisoned or sent to prison. When Inspector Wensley got into the witness-box I proved that as far as it was humanly possible to prove it; I put in his original oath at the Police Court; I put in his subsequent statement to that effect and my friend has not called him here to-day, and my friend has not called Eva Flitterman here to-day. So that your lordship has, I should say even in your lordship's long experience, for the first time in a murder trial, two witnesses who have been found out stating that which is untrue in the witness-box when a man is being tried for his life. That was the frame of mind of the advisers of this man when Mrs. Deitch came into the witness-box. Mrs. Deitch gave the most deadly evidence against the prisoner. She swore that at a quarter to two she saw the prisoner standing at the corner of Philpot Street—between Philpot Street and Bedford Street; she met him walking; came face to face with him and the deceased man Beron, and that she recognised Mr. Beron and the prisoner, and had no doubt about it.

Now the reason why I ask your lordship's ruling in this particular case that that cross-examination does not justify my learned friend's proposed cross-examination of Morrison, is this. Is it to be held that where a man is being tried for his life—that is why I emphasise this as a murder case—where a man is being

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tried for his life, and it has been established that two witnesses who have given deadly evidence against him have stated that which is untrue—is his counsel to stand mute when a woman who may be or may not be of immoral character gives evidence against him?

Mr. JUSTICE DARLING—No, he is not bound to stand mute, but if he puts questions which come within the Criminal Evidence Act he takes the consequences of the Criminal Evidence Act.

Mr. ABINGER—I submit not. It would be barbaric cruelty if a man on trial for his life is to have to stand mute by his counsel when a person of the most infamous character comes into the witness-box to give evidence against him, and if his counsel dares—

Mr. JUSTICE DARLING—I should be obliged if you would not address me (as I said before) in such rhetorical terms. I am bound by the Act of Parliament, and I am not to consider whether it is barbaric or otherwise; if it is within the Act of Parliament I will allow the cross-examination; if it is outside I must reject it.

Mr. ABINGER—Then, my lord, I submit it is not within the Act of Parliament, and that if it were, there must be a discretion vested in some one whether it should be exercised. Your lordship is good enough to say that you are not going to consider whether it is cruel or barbaric or not; but there must be a discretion vested in some one. My learned friend is attempting to cross-examine as to the character of the prisoner. Is this a case where the prisoner should have his life ransacked because his counsel has asked this woman in front of half a dozen witnesses whether she was of an immoral character? I submit that if there is power in the statute—which I dispute—it should not be exercised. If the cross-examination by myself of Mrs. Deitch does bring it within sub-section 2 of section 1, then by your lordship having in the hearing of the jury warned me of the consequence of my cross-examining Mintz as to his having attempted to commit suicide and being confined in a lunatic asylum—told the jury at that stage of the case that my friend Mr. Muir could cross-examine as to his character—it does not require the intellect even of this jury to appreciate what that meant. For those reasons, I submit that my friend should not be permitted to cross-examine my client upon his character.

Mr. JUSTICE DARLING—I need not trouble you, Mr. Muir. In my opinion the words of the statute, the Criminal Evidence Act, 1898, are perfectly plain. Ordinarily speaking, any witness who goes into the witness-box to give evidence may be asked questions going to impeach his credit, or such as to show that his credit as a witness must be bad, and that he is not to be believed like another witness because his character is bad. When the Criminal Evidence Act was passed there was some discussion, as is very well known, as to whether prisoners in giving evidence, which, until

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1898 they were not allowed to do, should be put upon exactly the same level as other witnesses; and it was resolved by Parliament that they should be put in a privileged position; they are not to be asked questions such as other witnesses are asked which go to show that they are of bad character and so to diminish the value of their evidence upon oath, unless they themselves do certain things, or their advocates for them do certain things, which are specified in the statute. It is unnecessary to read some of the things because there is no suggestion that in this case those have been done; but one of the occasions which render admissible the cross-examination of a prisoner as to his own character is expressed in these words—"Or the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor or the witnesses for the prosecution." Now, in this case, in my opinion, two witnesses have been cross-examined in such a way as to involve imputations upon their character. One is the case of Mintz, who was asked simply baldly in the first instance, without a word of suggestion as to his being insane, whether he had not tried to hang himself upon two occasions. I myself realised in a moment, of course, what might be the effect of Mr. Abinger putting what appeared to me to be so incautious a question. I pointed out to him that he was charging that man with having attempted to commit a felony—the felony of committing suicide. The attempt to commit that felony is in itself a misdemeanour. I pointed out to Mr. Abinger that it might be argued that he was imputing to that man a misdemeanour, and that advantage might be taken of it. The only thanks I got for doing so was to be told by Mr. Abinger that he had been twenty-five years at the bar and did not need my counsel in the matter. After that Mrs. Deitch was put into the witness-box. Mrs. Deitch gave evidence to my mind of a most commonplace sort—as to having seen the defendant in the street. She might have been mistaken. It might have been suggested to her that she was mistaken. Instead of that she was cross-examined very severely as to whether she did not keep a brothel, and when she denied it, it was put to her over and over again, which the money she derived on various occasions suggested, and when she denied it, several witnesses were called into Court to be confronted with her, and she was asked with regard to each of those whether that or the other woman did not use her house as a brothel. No graver imputation on the character of a witness who happens to be a woman could be made. Therefore it seems to me that the conduct of the defence has been such as to involve imputations on the character certainly of Mrs. Deitch, and I think also of Mintz, but I give the go-by to that—I found my decision on this point upon the imputation on the character of Mrs. Deitch. There has been, in my opinion, an imputation by Mr. Abinger as counsel for the

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defence in the cross-examination of Mrs. Deitch—an imputation on the character of Mrs. Deitch, who was a witness for the prosecution—and the consequence is that the prisoner may now be cross-examined as any other witness might be cross-examined. The privileged position in which the statute puts him was subject always to that qualification; that privileged position has been lost and the matter is now at large. I might as well say that I can see no reason whatever in the argument which was addressed to me that because two witnesses in the Police Court have given evidence which Mr. Abinger says is untrue, and which I am content to accept for the sake of argument is untrue, the position of the defence is in any way altered. I look at the statute; and in the fact that two witnesses for the prosecution in the Police Court may have given evidence which was untrue, I can see no reason why the statute which I have just read does not apply to the prisoner at the bar and to the conduct of the defence by his advocate.

Cross-examination continued—You have told us about the money you had you got from your mother before the 31st of December—the £20?—Yes.

Had you any other money before that date?—Oh yes, close on £15.

Where did you get that from?—About £4 I saved up while working at Lavender Hill; the remainder I also received from home, as well as some I had before I started working at Lavender Hill.

From you mother?—Yes.

In what form did you receive that?—Just the same.

Nothing to show that you received that sum of money?—No, of course not.

No letter?—No, I did not think it would be necessary for me to keep them or else I certainly would have done so.

Now the items that I read out to you show that on 30th November you spent £22 10s.?—Yes.

That is on the items that we know of; and that is how you account for the money?—That is how I account for the money, yes.

And on 23rd December you are pawning your gold albert?—I pawned it because the very same morning, the very same day, I bought a lady's watch and chain, for which I paid £1 10s.; as I did not like the other, and did not want it any more, I pawned it for £4 10s., and I tried to sell the ticket for a sovereign; so that in doing so I could earn 5s. or 10s. on it, as I very often do.

How much did that chain cost when it was new?—£5.

And you pawned it for £4 10s.?—£4 10s.

Have you got any document to show that between 23rd December and 1st January you were spending any money at all?—I have no document to show that I was spending money, for the simple reason that it was not necessary for me to buy anything whatever. I had

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everything I wanted, and it only cost me 25s. or 30s. a week to live on.

What money had you between 2nd December and the 23rd?—I had bank notes and I had gold.

Had you got any of those bank notes left after the 23rd?—I had one of those left till Wednesday, 4th January, which I changed in the restaurant; I gave it to the girl after I had some supper there—put my name in pencil on the back of it and gave it to the girl to be changed.

Where did you get that bank note?—In Cook's offices.

I am asking you about the £35 worth of bank notes; had you any of those left after 23rd December?—No. As I told you before, in the course of my business it was necessary for me to change them.

What I point out to you is this, that on 23rd December you are pawning a gold albert; you have got no document to show any money spent by you at all; and on 1st January, the day after this man's murder, you are in possession of £24?—I can bring forward the landlord and landlady to prove that they have seen me during the time I have been there with four and five £5 notes, or six in fact, in their kitchen.

Now I want to ask you about Leon Beron. You knew him?—Yes, I knew him by sight.

For how long?—Ever since I began to come in that restaurant; I see him there almost every day.

When did you begin to go to Snelwar's restaurant?—Ever since I have been living in the East End; I cannot particularly remember the date; it must have been some time in November.

You left Pithers on the 10th November?—Yes.

How soon after you left Pithers did you go to live in the East End?—Two days after.

That would be 12th November. Did you become a daily customer of Snelwar's from that time?—Not a daily customer; I may have been having my food at other restaurants, but I did go there for my food sometimes two or three times a day, sometimes once a week; sometimes I did not come in for two or three days.

Did you see Beron there?—I saw him when I went there; he used to come up and say "Good morning"; he would say "*Comment vous portez-vous,*" and I would say "*Tres bien*"; that was the only communication that passed between us.

You know the evidence of the witnesses for the prosecution is that for the last two or three weeks you were very friendly with him indeed?—That is evidence for which I cannot answer, because that man never in any way has been friends with me; I never on any occasion walked with the man in the street as any two friends might have done. According to their own evidence you can only point out that these people saw me with this man on this one occasion. Is it possible, do you think, for a man who has never been with another

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man in the streets except on one occasion—for that same man to walk with him through the streets everywhere about London as you are trying to suggest?

The witnesses Snelwar and Hermilin and Mintz all say that for the last fortnight or longer you were very friendly with Beron, constantly in his company in the restaurant. Is that true?—No, it is not true, for the simple reason that they themselves say they never heard any conversation pass between us. Why do they not tell you that they ever hear any conversation pass between the two of us? They themselves tell you that they never heard any conversation between us, and as there was no conversation between us how could we be friendly?

Were you sitting at the same table with him day by day in the restaurant?—Never, so far as I can remember; but I will admit that on several occasions we might have been sitting at the same table; there is no special table for anybody; anybody can come in and sit where he likes.

It is sworn that on one occasion you had Beron's watch in your hands?—That I never did.

And remarked that it was a heavy one?—I never said anything of the kind, for the simple reason it was not necessary for anybody to do that, as you could always see the man's watch and chain; it was quite open, and he used to take it out and look at it every five or ten minutes; everybody could see that the watch was very big, so it naturally would be heavy.

The witness Hermilin has said that he saw you with Beron's watch in your hands?—Then he knows a great deal more than I, because I never had that watch in my hand.

Is that true?—Certainly not.

You do not agree that you were friendly with Beron at all?—I was as friendly with him as I was with any other customer in the restaurant; I did not know their names, and I did not know his name. Whenever he used to come up to me the only sentence he ever said was to ask me in French, or sometimes in English, how I am getting on, and my answer used always to be "*Tres bien*" (very well). That was the only conversation that ever passed between the two of us so far as I can remember.

The evidence of Snelwar, Hermilin, and Mintz is that you spent the whole of the evening of the 31st December in that restaurant with Beron?—That is not true.

Sitting at the same table with him?—That is not true.

And that you went in in the evening and that you beckoned him over to come to your table?—I never did anything of the kind. His own brother gives evidence that he saw him in the street between nine and ten in Fieldgate Street, and he was quite alone; and I can prove that I had not been in the restaurant since 8.30 to 11.20 or 11.45.

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And the same witnesses say that you left together?—Well, I do not agree with them. That is the difference; because I never went out with that man together—never in my life so far as I know did I go with him side by side in the street.

Now, when you left that restaurant had you got that revolver in your possession?—No, I never had that revolver in my possession in my pocket since about the 16th—I cannot exactly remember the date—of December; it was in my house and in this portmanteau.

You had in your possession the parcel that Mintz handed to you?—Yes, that very flute down there.

When did you buy that flute?—In the morning, I should think between nine and ten, or a bit past that perhaps.

Where?—In Aldgate, where I bought some common jewellery on a stall, and I took a fancy to that and bought it at the same time.

What day?—Saturday morning, of course—the last day of December.

Whereabouts was the stall that you bought this from?—As you come into Aldgate from Whitechapel there is a row of stalls on the left-hand side; on one of those stalls; I cannot tell you the stall exactly, because I never counted them, though I pass there dozens of times, but on one of those stalls.

What sort of things were sold on that stall?—All sorts of cheap articles—brushes, combs, jewellery, and anything you like to mention—all sorts of things.

Jewellery?—Yes.

Anything else?—All sorts of articles; I did not look at them in particular; I only looked for such articles as I wanted to buy myself.

What sort of articles did you want to buy?—Some pieces of common jewellery—if you will show me the box.

Do you know that on Saturday morning they have the hay market in Aldgate?—That is quite possible; the hay carts are right in the middle of the road; you can see them down there; that has got nothing to do with the stalls.

And that until three o'clock in the afternoon there are only eleven stalls allowed to stand in Aldgate?—I did not count them, so I cannot tell you.

Where did you get that revolver?—I bought it in a shop in Aldgate, on the right-hand side going towards the Bank.

What sort of shop was it?—That I cannot remember.

What sort of things were in the window?—There were all sorts of things in the window as far as I know.

Can you describe the shop in any way in which you bought this revolver in Aldgate?—No, it is such a long time ago, but I know I could find my way to that shop.

I suggest to you there is only one shop in Aldgate where they sell such things, and if you had bought it there you could easily

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prove it?—Certainly, I can prove it; I do not say I cannot prove it; I can take you to the shop where I bought it.

Have you got a gun licence?—No, certainly not; I did not know it was necessary for me to take out one, as I never had a revolver in my life.

Do you say that you bought a revolver at a gun shop in Aldgate without producing a gun licence?—I say I bought a revolver at a gun shop in Aldgate without producing a licence. I can take you or anybody else to that shop and prove it.

Were you asked for a licence?—I was asked for a licence, and I said I had not got one, and he told me he could sell me the revolver provided I go and get a licence, but I did not understand where it was to be got from, and as I wanted it for re-sale I thought it was not necessary for me to get one, as I only expected to keep it a few days.

You disposed of that revolver by putting it into a cloak room?—Yes.

Loaded?—I did not take particular notice at the time that it was loaded, but it was loaded; about two days after I bought it or a day or two it was loaded, and it has been loaded ever since lying in my box, but I did not take notice that it was; I only wrapped it up in a paper and put it in the cloak room.

When do you say you bought it?—Some time in December, about the 16th or 17th; I cannot remember the date.

When did you load it?—I loaded it in Snelwar's restaurant. Two men wanted to buy it.

When?—I should think it was about the 18th or 20th December.

And it has been loaded ever since?—Two men wanted to buy it, and they wanted to know how it was loaded; I showed them how; I put the cartridges in, and it has been loaded ever since lying in my house; I never carried it about after that. I tried to sell it, but nobody wanted to buy it, so that it was on my hands—wasted money.

Mintz has said that he saw it in your pocket?—He said a lot of things that are not true.

He said he saw it in your pocket?—I do not know whether he saw it or not. I did have it in my pocket two days after I bought it—whether they saw it then or not I cannot tell you.

Taw has said that you had it in your pocket?—I had it in this handbag down there.

You deposited that loaded revolver in a cloak room on 1st January?—Yes; it was at the station wrapped up in the towel; that is the reason I wrapped it up in a towel.

You said you did that because you were afraid that it might frighten Dellow?—That is one reason, and another reason was because there had been such carrying on in London lately that I was afraid to have it in my place; but the chief reason I put it there was not to frighten the girl.

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Was it necessary to deposit the cartridges?—Naturally, because they might explode.

Did you think the cartridges would frighten her?—Is it necessary for me to carry cartridges about? They might drop out of my pocket or out of my hand and explode.

What name did you deposit the revolver in?—I do not remember. I said something about Banman, I believe.

Why did you use a false name?—Because it was a revolver, that was the reason.

What hour of the day do you say you deposited that revolver?—After I came back from York Road, Lambeth. I should think it would be about three o'clock after I packed up my things and took them with me.

Green has said that you deposited that revolver at eleven o'clock in the morning?—He is making a mistake then, so far as I know, because I put it in the afternoon; I am perfectly sure of that, because I did not go across the river until after I started packing up my things, and that was in the afternoon.

You took your clothes away from Mrs. Zimmerman's on that Sunday?—Yes, I took everything away to go to York Road, Lambeth.

You said you were going to Paris?—I said to her as an excuse, because I can prove that when I left Grove Street I said the same thing; when I left Pithers I said the same thing—every time I leave a lodging or a situation I say the same thing, because it is my nature to be friendly with everybody, and I say it to prove to them that I do not leave the situation or the lodging because I find a better situation or a better lodging, but because it is necessary.

And you took them to Fieldgate Street?—I took it to Romford Street.

That is the same thing, is it not?—I believe it is.

In what name did you leave them there?—Steinie Morrison. I engaged the room as Steinie Morrison, and left all my things there as Steinie Morrison.

And then you went off to Frank's?—Yes, at ten o'clock in the evening; I arrived there at ten o'clock; I had been at Flitterman's most of the time.

Now, you know that Mr. Zaltzman and Taw say that they saw you in the street in Shoreditch at quarter-past one in the morning?—How is it then that I did not see them?

They say they saw you. Were you there?—No, certainly not, because I was in bed at that time and asleep.

Taw says he saw you at quarter to two?—Yes; they most of them say the very same thing, but I was in bed at the time, so they could not have seen me, could they?

Mrs. Deitch says that she saw you in the Commercial Road?—She may have seen me in bed if she went into my room.

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Do you know Mrs. Deitch?—No, I have never seen her in my life before, not till she came to identify me at the Police Court.

Did you hear Mrs. Deitch cross-examined at the Police Court?—Oh, yes, certainly.

Did you hear it suggested to Mrs. Deitch that you had taken Eva Flitterman to her house for an immoral purpose?—Well, I did hear it, certainly.

Is it true?—No, certainly not; I have never been in the house, so far as I know.

Can you understand how that was put to Mrs. Deitch, that you had taken Eva Flitterman to her house for an immoral purpose, if you had not instructed your solicitor to say so?—I did not instruct my solicitor to say so, because I have never seen that woman in my life till she came to identify me; but it is quite possible that some witnesses may have read the statement in the police station. I have no friends in England bar two girls, and I was in prison all the time. I cannot tell what is happening in London when I am shut up in prison.

But you heard that put to her at the Police Court?—I cannot remember; if you say so I will take it that it is true.

You say you spent Saturday evening at the Shoreditch Empire?—Yes.

What time did you go there?—I left the restaurant about 8.30 or a bit later. I remember I got to the restaurant just past eight—between eight and half-past; I stopped there about a quarter of an hour and then left.

What time did you get to the Shoreditch Empire?—I should think it was about ten or fifteen minutes to nine.

Did you go in there?—Certainly.

Did you get a seat?—Oh, yes.

What part of the house did you go into?—On a level with the stage—the stalls, I believe it is called.

How far from the stage?—That I cannot remember. I should think several rows from the stage; but I cannot remember, it is such a long time ago; besides, I have been since then as well.

What part of the house did you sit—in front, in the middle, or at the side?—I sat near the middle, I believe.

Were you in the same row as the Brodskys?—Yes.

They said they were sitting three or four rows from the front?—Then I was in the same seats.

Was there a queue of people waiting outside to go in when you got there?—Yes, and I was about the middle of them.

I suggest to you that every one of those seats was let before nine o'clock that night?—If those seats had been let, then those people who had been sitting there must have got up, for one thing I am perfectly sure of is that when I went in there was an empty seat and

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I took it. It very often happens when I go in myself after a quarter of an hour or so I get up to go to the back.

Seating accommodation for 310 people; 502 people in that part of the house; that is what I suggest the state of the house was on that night; is that right?—I did not count them. I can give you a better proof than that if you do not believe that I have been there. As I was coming up Osborn Street turning into Whitechapel and then Commercial Street—as I was going by Spitalfields Market a very poorly dressed man came out of a fried fish shop; three gentlemen passed him, and he accidentally knocked against them, or they stumbled against him, and they knocked his fish and taters out of his hand. He caused a disturbance; two police officers came up and he wanted to give them in charge. The poor man said to the police officer, “ If it was I you would have arrested me at once ”; the police officer said to him, “ Do not be too sure of that, as you only took the name of the gentlemen.” If you make inquiries in that police station about these officers that had been on duty between 8.30 and midnight, that would give you proof that I had been in that street and on my way to the Shoreditch Empire, and if I had been in this restaurant I could not have seen that.

How does this show that you were in this Shoreditch Empire on that night?—That shows that I had been in Spitalfields Market, on my way there. For what other reason have I been there? If, as the witness has suggested, I have been in the restaurant all the evening, I could not have been there at that time.

Did you get a ticket when you went in?—Certainly.

What sort of ticket?—I do not remember; they sometimes issue paper tickets there, and sometimes labels; I cannot remember what it was. I have been in that Empire on several occasions, but I did not take notice.

Did you keep it after you got in?—No, they take it away from you at the door.

Did they take it away at the door that night?—It is quite possible. They must have done, I expect; it is usual.

How long have you known Mrs. Frank?—The first time I knew her was when I used to come in Walworth Road, about eight years ago; there was a jeweller's and watchmaker's shop in front, and the back was a post office. I used to go down there to see the girl I used to walk out with; she served behind the counter, and I had to pass his place. I also took him a silver chain to be gilded, for which I paid 30s. I sold it to Mr. Snelwar a few weeks ago, when I bought my gold watch and chain.

Do you know that Frank is a convicted receiver of stolen jewellery?—I did not know anything of the kind till it was put in the papers after his being cross-examined by you at the coroner's inquest.

You are in possession of two £5 notes obtained from Max Frank

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on that very Sunday?—I am in possession of two £5 notes obtained from his wife on that very Sunday for ten sovereigns; and I wish to mention to you, sir, that that man has been offered £100 to come forward and give evidence against me; he has been arrested in Brixton, and he stopped there a day.

Who offered him £100 to come forward and give evidence against you?—That he did not tell me; he told me it was one of the detectives.

When did he tell you that?—When he came to see me in Brixton prison.

How often has he been to see you in prison?—Only once. Then I would not have let him in if I had known what he was. When I was put into the box he came to see me. I did not expect him, and I did not want him to come to see me, because if I had known what he is I would not have lived in his house.

By Mr. JUSTICE DARLING—Did you think that, if he had been a respectable man, he would have let a room to you to live with a prostitute in it?—There are dozens of respectable men here in London, grocers and all sorts of people, who keep women in their houses.

Respectable men?—Quite respectable men—as honest as there can be—at least what I mean is that they have not been convicted of any crime.

Cross-examination continued—Is Mr. Rotto one of those?—No.

How long have you known Mr. Rotto?—Ever since I was in England; he has always been very kind to me. He has on one occasion found me a good situation as baker.

How long have you known Mr. Rotto?—I have known him ever since—well, I should think seven or eight years ago.

Do you know that he has been in custody for receiving?—I did not.

Do you know that he has been connected with the white slave traffic?—No, I did not know anything of the kind. All I know him to be a grocer—keeps a grocer's shop.

Grocers are respectable people who take in men and women for immoral purposes?—Not that man; he is as respectable a man as ever I came across. He has always given me a helping hand. He has on one occasion found me a good situation; that is all I know about him; he has always been kind to me.

When did you see Rotto for the first time after 17th September?—The first two days after I left Lavender Hill—my employer down there—I kept my things in his house. That is the first place I went to; because he is always kind to me, and invites me when I am in need for a few days—

Before you went to Flitterman's at all, had you seen Rotto?—Yes, and he found me a situation with Jewish people not very far from Tottenham Court Road; but I did not stop with them because they are Jewish people.

By Mr. JUSTICE DARLING—What was your objection to Jewish

Evidence for Defence.

Steinie Morrison

people?—Because they do not do their work as it ought to be, in a proper manner; they have not got standing hours. Some Jews expect you to work nineteen hours out of every twenty-four right off, and they expect you to go out with a barrow after you have done your work all night as a baker.

Is that girl, Jane Brodsky, a Jewess?—I believe so.

Were you going to marry her?—I was going to.

To marry her?—I intended to do so; I am very fond of the girl.

Why did you take her to Rotto's house?—Because he has been my best friend, and very kind to me; he is the only friend, in fact, that I have in England. I have not got anybody else; he has always been kind to me.

Cross-examination continued—Is Rotto a Jew?—Oh, yes, he is a Jew.

Now, during this week, between 1st and 8th January, you say you were selling cheap jewellery in the East End of London?—Yes.

In restaurants?—In restaurants.

And coffee shops?—And coffee shops.

Did you ever once during that week go inside Snelwar's restaurant?—It was not necessary for me to do anything of the kind.

Is it the fact that you did not; is it the fact that you did not once during that week go inside Snelwar's restaurant?—It is a fact that since the 1st January I did not go in there up to my arrest. As I told you before, or whether I did not, I can tell you now, the reason why I did not go in there was because the waiter annoyed me and did not serve me properly; the other reason, because I was living in Romford Street. From Romford Street to the Fieldgate Mansions is only a few paces, and it is not necessary for me to pass one restaurant to go to another. It was only two days I was in Romford Street; after that I went to York Road. Mrs. Dellow used to cook my food, and there was no longer necessity for me to go a fourpenny ride across to Snelwar's.

I do not know whether you understood my question. We have been told that you were selling cheap jewellery in Snelwar's?—Yes.

Why did you not go there for that purpose?—Because it was very seldom I did sell anything there. There are very poor people come in there, and they do not buy things there. I have shown them things on many occasions, but I very seldom sold anything in there.

When did you first hear about the Clapham murder?—I heard on the 1st January. It was in the papers, the 1st or 2nd; I read it first in the papers.

Did you read it in the *Evening News*?—Yes; I read every day one of the papers, and I read about the murder, and that the man was looked for; but I did not know that that was the man I had seen in the restaurant as the "Landlord," because in the paper they did not put any such name.

Now, will you look at that *Evening News* of Monday, 2nd January, two large headlines, "The Mad Landlord"?—You will

Steinie Morrison.

Steinie Morrison

excuse me; I did not say that I read that particular paper. "The Mad Landlord" does not point to the "Landlord," does it? The "Landlord" I had known in the restaurant was not mad at all; there was nothing the matter with him.

Do you tell the jury that you never knew, never thought, that this was the man you knew in Snelwar's restaurant?—I tell the jury that I never thought for a moment till the day of my arrest that that was the man, because, if I did, I would have gone to the police station myself to prove that I had been asleep that night, and not wait to be arrested, as I was, for a crime that I had not committed.

Why should you do that? Why should you, if you had known that this was Beron who was murdered, go to the police station to tell them that you were somewhere else?—Because, according to that paper, or any other paper, it said that there was a man in the same restaurant, associated with the same, coming out with him, and so on. That would at once show me—if I knew that it was the "Landlord" as pointed out in that restaurant—that that must have been the man, and that I was suspected.

But why, because you say you were not associating with him, and did not leave with him?—Exactly; but at the same time, I had been in that restaurant all the week, and before, but that would point out that I, not having been in that restaurant for several days, and the man having disappeared the same, giving the description in the paper, that would have pointed at me, would it not? That is the reason.

Now, you say that you saw Beron out in the street that night?—Yes.

What hour was it that you saw him out in the street?—I remember looking at my watch when I went round the corner; it was about seven or eight minutes past twelve.

Where exactly was it that you saw him?—As I was crossing the road—when I came to Cambridge Road, I was just crossing the road to Sidney Street; I was crossing at this side of the pavement to go along Sidney Street, on the right-hand side; he was standing on the other side of the pavement, also the corner of Sidney Street, on the left-hand side of the road.

At the corner of Sidney Street and Mile End Road?—No. As you turn into Sidney Street from Mile End Road or Whitechapel, or whatever it is, as you turn into Sidney Street, I was coming along round the corner on the right-hand side; he was standing on the other side of the corner, opposite me, that is, on the left-hand side.

Do you mean the corner of Sidney Street, which is also at the corner of Whitechapel Road?—I believe so, yes.

That is where you saw him?—That is where I saw him.

What was the man like that you saw with him?—I could only see his back, he was very well dressed indeed; I could not see his face as he was standing back towards me.



Leon Beron.

Evidence for Defence.

Steinle Morrison

What sort of hat had he on?—I did not notice; as he shouted out to me "*Bon soir*," I shouted to him "*Bon soir*," and went round the corner straight away. I did not look more than a few seconds at that man

What height was he?—I cannot exactly remember. I believe it was a bowler hat.

But how tall?—He was tall, he was certainly taller than Mr. What's-his-name.

Was he as tall as you?—I do not know, I did not have time to notice.

By Mr. JUSTICE DARLING—He said "*Bon soir*" to you?—The "landlord" did. He shouted to me "*Bon soir, monsieur*."

Used you and he to speak French together?—No, I never spoke to him at all. Whenever I sat at the table he used to come up and say "*Comment vous portez-vous*," and my answer used to be "*Tres bien*," that is the only conversation that ever there was between us.

Cross-examination continued—So that Beron was out that night with a tall man?—I have seen him standing at the corner; I do not know whether he was out or not.

How tall was the man?—I cannot tell you, I did not look at him more than a few seconds; I was going round the corner, in fact I was past them round the corner before they shouted out. I had turned round to look at the men, it could not have taken me more than a second.

Eight minutes past twelve?—Eight minutes past twelve or something like that, I remember looking at the watch round the corner, it was eight minutes past twelve.

So that he was in the Whitechapel Road at eight minutes past twelve with a tall man?—Yes, so far as I could see.

Now, you say you put on that collar, tie, and shirt clean on the Saturday morning?—Yes.

We have had evidence which is not disputed that the collar had bloodstains upon it?—Yes, according to the doctor's evidence.

How do you account for those?—Very simply. At Mrs. Zimmerman's I went to have a wash under the tap; as I was washing myself my nose began to bleed; as I was carrying water from under the tap to my nose the blood out of my nose dropped into the palm of my hand; I emptied that water; at the same time there were stains of blood and water dropping out of the nose at the same time; as I was putting the palm under the tap to get some more water the force of the water running out of the tap on to the palm caused it to splash up, and that is the way it must have got on to that sleeve.

Had you got your collar and your tie and your shirt on at the time you were washing?—No, I merely had my shirt on, but afterwards, after I wiped myself, I went in to put my collar on;

Steinie Morrison.

Steinie Morrison

there must have been bloodstains, blood and water mixed on my fingers; as I was pinning the collar behind it must have left a stain on the collar. I took out the bar from my tie to put it in again; I mean the golden bar, or metal bar rather, is very blunt, the pin of the bar, and to put that pin through the tie it is necessary for me to hold it with my finger like this, and if there was stains of blood and water on my fingers it must have left the stain on it. And if you will kindly ask them to produce the bar which they have taken out of that tie you will see what I say is true; they have taken out that bar, but they have not said anything about it.

You mean we shall see that it is blunt, is that what you want to show?—No, I want to have a look at that bar which they have taken.

The Court adjourned.

Seventh Day—Monday, 13th March, 1911.

STEINIE MORRISON, recalled, further cross-examined by Mr. MUIR—Do you mind speaking very slowly and clearly and telling me what was the address in Fieldgate Mansions where you say you deposited your clothes on 1st January?—I believe it was at Romford Street, No. 72. As you come into Romford Street it is the last door on the right hand side, and the first floor as you go up the steps.

There is no such number as 72?—It is quite possible that it is 172, but I remember that 72 is the furthest.

What is the name of the landlord or landlady there?—In fact I did not ask their name and they did not tell me.

What is the floor on which you had your room?—It is the first window above the street, the one facing the street is the room I have occupied.

By Mr. JUSTICE DARLING—What name did you give?—Steinie Morrison; that is if they asked me my name.

Cross-examination continued—You have been in correspondence with your mother in Russia?—Sometimes, yes.

Have you got any letters from your mother?—None at all.

To what address were the letters containing money from your mother sent?—To the General Post Office, London.

Were those letters that contained English bank notes coming from Russia registered?—No, they were not registered; they were in letters.

In what name were the letters addressed to you at the G.P.O.?—Steinie Morrison.

You say you were selling cheap jewellery in the East End of London from Monday, the 2nd, till Saturday, the 7th of January?—Yes.

Where had you bought that cheap jewellery?—Wherever I took a fancy to it, sometimes passing a stall or a shop or any place.

Have you any document to show that you bought any cheap jewellery before 6th January?—No, I had several, but after I sold the jewellery it was no longer necessary for me to keep them.

On the 8th of January the stock that you bought on the 6th was intact except a 6½d. brooch?—Yes.

Does it depend entirely upon your own word whether you ever sold any cheap jewellery at all?—Yes. As I told you on Saturday if I knew I would be arrested and tried for a crime I never committed I would have taken precautions to keep those documents.

Did you ever tell the police officer that you were carrying on

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Steinie Morrison

a business of changing cheques for money?—No. He never asked me anything of the kind.

Did you give any of those notes that you got on 2nd December to your friend Mr. Rotto?—It is quite possible that I gave one or two, but I cannot remember exactly.

For what consideration did you give one or two bank notes to Mr. Rotto?—In the course of business, of course. I remember having some small watches in his shop—black ones they were—very cheap.

Do you know the public-house called the King's Head at 128 Commercial Road, kept by a man named Bloom?—No, I never in my life went to a public-house, as far as I remember.

Was that a public-house that you were in the habit of visiting with women?—I never went into a public-house as far as I can remember on any occasion.

Did you change two £5 notes in that house?—No.

By Mr. JUSTICE DARLING—Can you say for certain you did not change a note in that public-house?—I cannot remember ever having changed notes in a public-house; I cannot remember it at all.

Cross-examination continued—Do you say you have never been out in the streets at night with Leon Beron?—No, never at all—never walked with him in the street—never after the restaurant—on any occasion.

Who keeps the house at 2 Harding Street that you said was a prostitutes' house?—I cannot tell you.

Who introduced you to Eva Flitterman?—The man of the house. There are several men living in the same house and several women as well.

What are the names of the men who live in that house?—I do not know; I never asked them.

Do you know a man named Hugo Pool who lives in that house?—No, never heard of it.

[Hugo Pool and Mrs. Pool were brought into Court.]

Look at these people?—I know these people, but they are not the people who kept the house.

How long have you known Pool?—For several weeks before Christmas.

Did you know him when he was living at No. 116 Grove Road?—No, I did not. You mean Grove Street.

You did visit him?—I went to No. 36 Grove Street where he told me he could be found on one occasion, but I have never been in 116 Grove Street.

Have you visited him in a house in Grove Street?—In 36, yes, but he was not there.

What is 36?—That is the same sort of house where these people are to be found.

What you call a prostitutes' house?—Exactly, yes.

Evidence for Defence.

Steinie Morrison

On Thursday, 29th December, did you visit Hugo Pool at 2 Harding Street?—I believe I did.

Was Mrs. Pool there?—I cannot remember; it is quite possible she was.

In bed?—I have not seen her in bed as the room is upstairs. I have never been upstairs.

Did you ask him to go out?—I never asked him—never spoke to him—I spoke to some other women who were in the house, but I never spoke to him.

Did you say to him, “ Will you come out and have a drink ”?—No, for the simple reason that I do not drink.

Did he say, “ No, I am not very well, and it is too late ”?—I do not remember saying anything to him, for the simple reason that I never spoke to him.

Was Leon Beron with you in that house on the night of 29th December?—Oh, no, certainly not. He never was with me in any house, as far as I can remember. It is quite possible that he may have visited there. Places like these are visited by all sorts of people. It is quite possible that he was upstairs, because people coming in there generally go upstairs. I have never seen him while I was there on any occasion.

On that same night, the Thursday, were you at Snelwar’s restaurant?—Oh, yes, very likely, but I do not remember it. It is quite possible that I was.

Did you leave Snelwar’s restaurant with the witness, Israel Zaltzman, at about twelve o’clock on that night?—Neither then nor on any other occasion, as far as I can remember.

And was Beron with you?—No, certainly not.

And another man—an old man?—I do not remember anything of the kind. There was an old man in that restaurant who came in under the name of the “ Colonial,” if you mean that man.

Did this take place on the Thursday previous to the murder; Beron, you, and the old man and Zaltzman left the restaurant together at twelve midnight and went to the corner of Osborn Street and Whitechapel Road, where the old man said to Beron, “ Come on, let’s go home ”?—Do you mean that we left the restaurant when the people were turning out of the restaurant? It is quite possible. All are turned out at once from the restaurant, but I do not remember having walked with that man through the street on this occasion or on any other occasion.

I will just read the rest of it to you, and then perhaps you will remember it. “ Then Morrison said to Beron, ‘ Come through the Whitechapel Road way.’ The old man left us and went through Church Lane, and we (Beron, Morrison, and Zaltzman) went down Whitechapel Road to St. Mary’s Street, where I said good-night and left Morrison and Beron together.” Is that true?—No, certainly not.

Did your visit to Pool occur either on Thursday, the 29th. or

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Steinie Morrison

on the Friday night, the 30th?—I do not remember. It must have been some time that week, but whether it was on that date I cannot tell.

Was Beron with you on either night?—No, certainly not. He has never been with me on any occasion. I never went with that man through the street.

You have told us on Saturday where it was you bought the flute. There is a plan of the stalls at the hay market. Can you indicate whereabouts in that row of stalls it was that you bought the flute?—At one of them, but I cannot tell you exactly the one.

I am not asking you exactly; I am asking you about?—How can I tell you about? I came into Aldgate on the left-hand side, and I went along the stalls until I came across that particular stall. I did not take note of the stalls, or what part of the street they were in.

You told us on Saturday that it was the third or fourth stall as you go towards Aldgate?—That is what I thought.

Do you say so now?—That I cannot tell you. I bought it at one of those stalls. (To Mr. Abinger)—Will you kindly hand me that paper I gave you just now. (Blue paper handed.) Hand that to my lord. (Handed.) (To Mr. Muir)—You have told me on Saturday that you would bring over the keeper of the ironmongery stall, or something of the kind. I should be very much obliged if that keeper is brought over here and asked whether he sold me any implement that it is suggested I did buy.

Mr. JUSTICE DARLING—This is addressed to his solicitor. I see it begins “Messrs. Claude Lumley & Co., March 13th. Dear sir, I request that this is handed over to the judge.” Then there is this which I had better read, I think. What is put in my hands is public. “My lord, last Saturday Mr. Muir said to me ‘Yes, and I can bring the keeper of the ironmongery stall in Court.’ I did not at the time understand what he meant, but I understand now that he meant to say that instead of buying a flute I bought a bar of iron. My lord, I ask that the keeper of the ironmongery stall is brought into Court and asked whether on the 31st December, or at any other time, he has ever sold me a bar of iron or any other deadly instrument. Respectfully yours, Steinie Morrison.” (Letter put in and marked exhibit 77.)

Mr. MUIR—My lord, I intended to make no such suggestion.

Mr. JUSTICE DARLING—No.

Mr. MUIR—The ironmongery stall keeper is here for quite another purpose.

Mr. ABINGER—That is the reason I did not pass it to your lordship. I am satisfied my friend made no such suggestion.

Mr. JUSTICE DARLING—(To the Witness)—You mistook Mr. Muir. He did not in the least mean to ask that man whether you bought the bar of iron there. The only question was as to whether you bought anything there.

Evidence for Defence.

Steinie Morrison

Cross-examination continued—What were the kinds of things that they were selling on the stall where you bought the flute?—I have told you on Saturday I cannot remember. I merely took notice of such things as I wanted in cheap jewellery as I bought then, and that flute. That is the only thing I took notice of.

Did you buy cheap jewellery at the same stall?—Yes, several articles.

At the same stall?—Yes, at the same stall. There were some brooches and German-made diamonds.

Anything else?—A silver brooch, a small one.

I put it to you that there was no stall there at which you could buy such things?—You were not there on that morning, were you?

I am suggesting to you that there was no stall there at which you could buy these things?—I say I did buy them there.

On that morning?—Yes, on that very morning.

Would you know the man again whom you bought the thing from?—No, certainly not.

Then it is no use producing him in Court and asking you whether he is the man?—Because it is such a long time ago. I do not recognise people after two or three months. It is simply impossible. You ask me a thing which is quite impossible for any man to do.

Do you remember Eva Flitterman going to 91 Newark Street?—Yes.

When was that?—I should think the first time she went was about the 24th or 25th December.

Do you remember what day of the week it was?—No, I do not.

Had you got a flute then?—No, I had not, nor a big box, as she suggested. Nor can I play it as she suggested that I did.

That is the only time she was there?—Yes.

In the documents which have been read in Court as coming from Eva Flitterman she said that you had a flute on that occasion?—She also said that she saw me with the dead man's £5 piece. The girl has been told by the police to give false evidence against me.

Is it true?—It is not.

Listen to the question—That you had a flute in your possession when Eva Flitterman was at your house at 91 Newark Street?—It is not true. I never had a flute in my possession until 31st December.

Did you hear the witness Green from the railway station cloak room say that it was, as near as possible, eleven o'clock in the morning when you left the revolver there?—Yes, I did hear him.

Did you notice that your learned counsel did not cross-examine him at all as to the hour?—I asked my solicitor not to cross-examine him, for the simple reason that I admit I did put a revolver there. As to the hour, that is quite wrong.

Why did you put the cloak room ticket in the lining of your hat?—If I, as you suggest, tried to do away with the revolver because I was afraid, I should certainly have destroyed the ticket, but I kept

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Steinie Morrison

it. That is enough proof in itself that I was not in the least afraid of that ticket being found on me.

Why did you put the cloak room ticket in the lining of your hat?—I simply took off my hat and put it inside the lining, which is just as good as putting it in your pocket.

Had you any other document there?—None whatever, but I very often do put something in.

When you were arrested you say that you were arrested on the charge of murder?—Yes.

And that Inspector Wensley said so?—He said so, yes.

How many people were there when he said it?—So far as I can remember I was the only person in the restaurant; there was nobody else besides me.

Were there other police officers there?—Three of them jumped in at once and afterwards two or more came in.

And at least three of them heard that?—They must have done so.

Have you heard them all swear that nothing of the kind was said?—If Detective Inspector Wensley did not charge me or say that I am wanted for murder in that restaurant, and if the detective whom I know now is Detective Inspector Brogden didn't, while walking along, say to me that I am wanted for murder, and if Detective Inspector Wensley did not again say in the police station that I will be charged with murder, may my innocence never be proved. Do you believe me now?

I point out to you that five police officers who were present have all sworn that nothing of the kind was said?—Then that is not true.

Did he say which murder?—He did in the police station; he said the Clapham murder.

At the restaurant, first of all, did he say which murder?—No, he merely said, "You are wanted for murder."

Did you say, "Which murder"?—No, certainly not.

Did you know?—What do you mean—did I know?

Did you know which murder it was you were being arrested for?—Of course not. I heard about the Clapham murder, as I read it in the papers every day.

And you had also heard about the Houndsditch murders, I suppose?—Certainly.

Did you ask which murder it was you were being arrested for?—No, because in the police station he told me which it was, and it was not necessary for me to ask him.

At the police station did Wensley say, "What is your name, and where have you been residing"?—Yes.

Did you reply, "You know my name"?—For the simple reason that he called me "Steinie" in the restaurant, and that is why I said, "You know my name."

"I lived at No. 4 Whitfield Street, West"?—I said I lived at No. 4 Whitfield Street, West.

Evidence for Defence.

Steinie Morrison

You did live there?—Certainly; I lived there two days.

Is it true that you were living at 4 Whitfield Street, West, at the time you were asked for your address?—No, of course not.

Is that the address you gave?—Yes, that is the address I gave at the time.

Is that Rotto's address?—There are several people living in the house, but it is Rotto's address.

By Mr. JUSTICE DARLING—When had you lived there?—I went there on the 10th, and I lived there till about the 12th November.

Cross-examination continued—“ I picked up with a girl about a week ago, and have been living with her since at 116 York Road ”?—That was after he said to me, “ You will be charged with murder when Inspector Ward comes.”

“ I did not go home last night, as I lost the last train, so I stayed with Mrs. Cinnamon, No. 32 in the buildings, St. James Street.” Did the inspector say this to you, “ You have not reported your change of address, and you will be detained for the present ”?—He did not say anything of the kind to me on any occasion till he said it at the Coroner's inquest, or whatever it is; he said it in Court.

Were you, in fact, at that time a convict on licence?—I was; but allow me to tell you that that has nothing to do with this case. That is just the reason why they are down on me. That is the only reason why they are building up this story. But for that they would not have dared to arrest me.

Had you given as your registered address No. 4 Whitfield Street, West, which was Rotto's house?—I had given that as my address when I first went there, and I kept on reporting myself to Tottenham Court Road police station on every 17th of the month till within a few days before my arrest.

Reporting that 4 Whitfield Street was your address?—Yes, because they bullied me. During the time I have been living at 213 Lavender Hill every night a police officer came into the bakehouse to see whether I was in there in the evening. A private detective came in while I was there, and I was hunted out of that place. Mr. Thomas Pithers is in Court now. Let him stand up and contradict if what I say is not true.

Did you say to the police officers who were in charge of you that you wanted to make a voluntary statement?—Yes, because they charged me with murder, and I wanted to clear myself.

You have heard every one of those officers say that no such charge was made in your hearing?—Every one of those officers are telling lies, because they cannot get the right man, and they want to take somebody just to make themselves a name—just because I have been in prison. That is the only reason why they are building the story up. That is where they have got the advantage. But for that they would not have dared to arrest me.

At the time you made the statement you knew that it was the

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Clapham murder that you were wanted for?—Yes, certainly, because Inspector Wensley told me at the desk.

And this statement was made for the purpose of clearing yourself?—Yes, certainly.

Did you intend what you said in this statement to be believed?—Certainly.

I read exhibit 1. “ I have sent for Divisional Detectives Ward and Wensley, and desire to make a voluntary statement in consequence of my having been arrested this morning under the suspicion of murder, Mr. Wensley having told me this ”?—Yes, and he was present at the time it was dictated. If, as he said, he did not say anything of the kind, why did he not contradict me?

Mr. JUSTICE DARLING—I have told you, Morrison, you must not ask Mr. Muir questions. Perhaps it is difficult, but you must remember he is not allowed to answer.

Cross-examination continued—No mention there or throughout the statement about its being the Clapham murder, or the murder of Mr. Beron?—Would you like to know the reason why? Shall I tell you the reason why?

You are entitled to give me the reason?—The reason is this, because most of the words in that statement are by Detective Inspector Ward, out of his mouth and not out of mine. I told him a different story to what is in the statement. He dictated it to the typewriter, and the typewriting man put it down as he said it, and not as I said it. He put a different face on it altogether to what I said to him. It is quite true that I read it through and signed it, but at the same time I did not at that time think, because if I was as clever as that man I could at once see that he was building up a story to hang me. See? I would not have signed that statement, but I am not quite as clever as these people, and that is just the reason why they have got me here.

Did you mention in the course of your statement, which was made in the hearing both of Inspector Wensley and Inspector Ward, the name of Leon Beron?—No, certainly not.

Did you mention the Clapham murder?—If they mentioned it to me.

You say it is not written down as you said it. You say you said something more than is written down. Did you mention the Clapham murder?—They mentioned it to me.

Did you mention it in the course of making your statement?—I do not remember, but I know perfectly well they mentioned it to me on several occasions while making that statement.

The next statement which you say you intended to be believed is this—“ I am an Australian, born in Sydney, brought up in England.” Is that true?—I am an Australian, born in Sydney, and I have been there eighteen months. Afterwards my people went over to Russia, where I lived for about twelve years. After that I was

Evidence for Defence.

Steinie Morrison

sent to Germany. In Germany I have been eighteen months. After that eighteen months in France, and from France I came over to England.

When did you come over to England?—I should think it was about 1899 or 1900; I am not quite sure. I came over from France to England, and I have been in England ever since.

What is your name?—Steinie Morrison.

That is your true name?—That is my true name.

Is your true name Alexander Petropavloff?—No, that is not, but that is the name by which I bought that revolver in Aldgate when you tried to make out I did not buy anything of the kind.

How long have you used the name of Alexander Petropavloff?—That is the only occasion on which I have ever used it, so far as I remember.

Were you not born in that name?—No, certainly not; I was born in the name of Steinie Morrison.

Where were you born?—In Australia—in Sydney.

What year were you born in?—I should think about 1882.

Was it not 1879?—No, I do not think so. In fact, I cannot tell you exactly when I was born, for the matter of that, for the simple reason that I do not exactly know my own age, but I believe I am between twenty-nine and thirty.

Were you not born in a place called Korsovsk, a station in the district of Liutzin, in the Government of Vitebsk, in Russia?—That is the address I gave at the time when I petitioned the Home Secretary to allow me to leave the country. I tried to make out that I was a Russian born, but they would not grant me that petition. As a matter of fact, I am not a Russian born at all, but I may be called a Russian, for the simple reason that I was almost a baby when I went there.

Then, for your own purposes, and in order to deceive the Home Secretary, did you say that your name was Alexander Petropavloff, that you were born in 1879 at Korsovsk, a station in the district of Liutzin, in the Government of Vitebsk, in Russia?—I said that because I have had such bad luck here in England; ever since I came to England I have had nothing but trouble, and I tried to better myself for all that. Even here in England I have done my best to work honestly for my living until I have been hounded out by these police officers.

Is it true for your own purposes, in order to deceive the Home Secretary, you gave that account of your birth?—That account is a true one. The only thing that is not true is that I was born in Russia, but, as a matter of fact, I am considered a Russian subject in my own country, because I am a baby brought over to Russia.

Is your name Alexander Petropavloff?—No, Steinie Morrison.

You told the jury a moment or two ago that the only time you ever used that name was when you bought that revolver?—But I did not for a moment consider that I wrote that petition. At any

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rate, that name is not mine, and if you make inquiries at that address you will soon find out.

It is a false name and a false account of your birth, given to the Home Secretary in order to deceive him; is that right?—I am considered as a Russian subject for all that.

Is that right?—The name and the birth.

A false name, a false account of your birth given to the Home Secretary in order to deceive him. Is that right?—Because I knew that that was the only—

Is that right, first of all?—Yes, it must be right because I knew that was the only way they would allow me to leave this country under the new Act. That is the reason why I put it down—for no other reason.

By Mr. JUSTICE DARLING—Were you in prison when you sent that petition to the Home Secretary?—Yes.

Cross-examination continued—Did you go on to say this to the Home Secretary, “The reason I have left my country is because of the military system, otherwise I have never committed a crime in my life, not until I came to England”?—That is quite true, but when I left Russia I was fifteen years of age; the military system is twenty-one years of age; no man is accepted until that age.

“For fear that my relations may discover that I have sunk to the depth of an English prison I have taken a false name.” What was the false name you had taken?—Morrison Steinie.

“And fear of being forced to leave this country at my discharge because of the new Act made me give a false nationality to the officers who made inquiries of me before my trial as to the country I belong to”?—Well, that is the country I was brought up in—Russia, but I was born in Sydney, Australia, just the same.

So that you deceived not only the Home Secretary by false statements, but the officers who arrested you as well?—But that has nothing to do with this case. I should wish, since it has come out, that the jury should know what sort of crimes I committed, and to see the tools. Among all the tools that were taken away from me there never was in my possession an instrument with which a man could be murdered like this.

What I am pointing out to you is that you made a series of false statements to suit your own purposes to whomsoever it was you might want to make them to?—I have had a very hard life in England, and I wanted to leave this country to better myself.

Did you tell the police officers who arrested you that you were an Englishman; that is to say, an Australian born in Sydney?—Yes, I told them the truth.

And you are saying here to the Home Secretary what is a falsehood?—That also must be the truth, because I was taken as a baby to Russia, and brought up as a Russian, and when the

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military system starts I should have to appear. As a matter of fact, I should have to appear now if I returned.

Is this true or false—"Ever since I left those I loved and who love me—my own relations in my own country—for shame I did not write to them so that my relations do not even know I am alive or dead"?—That is quite true. I did not write to them while I was in prison, but I did when I was out of it. I never on any occasion wrote to my relations while I was in prison. I have no intention to write to them even now.

You were writing in prison in July, 1909, saying you were ashamed to write to your relations, and they did not know whether you were alive or dead?—Certainly; I was ashamed to write to them while I was in prison, but I did when I came out.

But did you write to them while you were in prison?—No, never on one occasion.

Never once?—No, never once.

When did you get out of prison?—17th September last.

Did you write to your mother then?—I did.

At what address?—At the same address you have got now.

At what address?—You have not got the number, and I have no intention to give it to you.

You decline to give the address?—Certainly.

To which you wrote to your mother?—Certainly; I have no intention that my mother should be bothered by you or the police either, nor have I any intention to let her know that I am in such grievous trouble.

"My greatest wish, and my only desire is to return to my country and to my relations." Was the purpose for which you were sending this petition in July, 1909, that you might be released from prison?—Certainly not; my sentence was expired at the time when I wrote.

"I will find no difficulty in finding employment in a country where passports, not characters, are required." What country was that?—Russia.

"For so soon as I return to Russia there are three years and several months military system awaiting me." Do you still say that it is true that you are an Australian, born in Sydney, and brought up in England?—I still say that I was born in Australia and taken over to Russia. I left there for Germany, from Germany to France, and then came over to England, and I have lived here for the last eleven or twelve years, or something like that.

When were you first convicted for felony?—I cannot say—1900, or something like that.

Was it the 17th December, 1898?—That might have been it.

You were nineteen years of age at that time?—That is the age I gave.

Did you give the name of Moses Tagger?—Yes.

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What did you say your nationality was then?—I said a Hebrew, as I know to speak that language as good as English, so I went in as a Hebrew then.

Yes, but what countryman?—As a Russian.

Was that for stealing from your master?—I never stole anything. In fact, all of the convictions I had were for no crime committed whatever. It is a crime simply made out against me. What did I steal? Will you kindly put that to the jury?

Were you charged with stealing?—I was charged with that, but what did I steal? Will you kindly tell that to the jury?

What were you charged with stealing?—I cannot remember what I was charged with stealing at the time. What I do know is that I have committed no crime whatever. I was sent to prison for no crime whatever on that occasion, and one or two more occasions.

Was that at the Worship Street Police Court?—It might be; I cannot remember; I did not know the name at the time.

And did you get a month's hard labour?—I did.

For stealing some ledgers, the property of your master?—That is what they made it out, but, fancy a man stealing books. (What use are they to him? It was simply a charge made out against me.

Were you arrested in the name of Morris Stein and sentenced to two months' hard labour on 28th February, 1899?—I was not.

For being a suspected person on enclosed premises?—I was not—never—never done two months' imprisonment.

At the Thames Police Court?—Never—that is not true altogether.

Under the name of Morris Stein?—Never done two months' imprisonment.

Were you sentenced to six months' hard labour at the North London Sessions on 1st August, 1899, for burglary, in the name of Morris Tagger?—I was sentenced to six months, yes.

Were you arrested on 15th April, 1900, for being in the unlawful possession of a quantity of cigars, pipes and tobacco, the proceeds of a burglary?—I was living at the time somewhere up Whitechapel, and there was another man sleeping with me in the same room. That man on one morning brought in a big parcel with him. I did not know what it was. Afterwards that man tried to sell it somewhere. When he was arrested he was somewhere near by. He was arrested, and his room was searched, and I was arrested along with him. I was charged with receiving that property in my room. As a matter of fact I knew nothing at all whatever about it, and I received fifteen months' imprisonment for a crime I never had anything to do with whatever.

What did you say your nationality was then?—Russian.

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And was the evidence at your trial interpreted in Yiddish?
—Yes.

Was that for your benefit, or that of your fellow prisoner?—
I cannot remember whether it was for myself or for him.

On 10th September, 1901, were you convicted at this Court for burglary, and sentenced to five years' penal servitude?—I was convicted for attempted burglary.

No, for burglary, in the name of Morris Stein; is that right?
—Yes.

Did you plead guilty?—On that occasion I cannot remember whether I did or did not. I believe I did.

When did you come out from that term of penal servitude?—
I came out in 1905. I found a situation at 124 Hackney Road, Shoreditch. The master baker is still there. I continued to work as I did for Mr. Pithers until I was hounded out by the police, and I can call that master baker to prove it.

On 5th August, 1905, you were released on licence; is that right?—Yes.

On 14th August, 1906, were you arrested by a police constable, Arthur Page, at one o'clock in the morning?—Yes.

And the charge against you at that time was of being a suspected person, and having housebreaking implements in your possession?—Yes.

Were a brace and bit the things that you had in your possession when you were arrested by Page?—Yes.

And a jemmy?—I do not remember having a jemmy; I never had one in my life. I had a chisel with a blade about four inches long.

Mr. ABINGER—Is my friend partly trying this charge again, otherwise I fail to see the relevancy of cross-examining this witness upon what implements he had in his possession in 1906, when he is being prosecuted for a murder alleged to have been committed by him in 1911. All the things have been taken away, of course, by the police. I invite him to tell me the relevancy of these questions.

Mr. MUIR—The prisoner himself has said that he never had a bar of iron in his possession in his life.

The WITNESS—I never had a bar of iron in my life.

Mr. MUIR—The prisoner has said that he had no use for such a thing. The medical evidence is that the murder that we are now inquiring into was committed with such an implement, and I am now going to show that the prisoner's evidence that he never had a bar of iron in his possession, and had no use for such a thing, is untrue evidence.

The WITNESS—I never had any use, and never have any use for such a thing, even if I did the crime which you said I have committed—(I admit it)—the only thing I ever used was a chisel.

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I never had a jemmy or a bar of iron. I have no use for such things whatever.

Mr. ABINGER—That will do, Mr. Morrison.

Cross-examination continued—Were you arrested by Police Sergeant Charles Bartlett (now in Court) on 24th January, 1901?—I was arrested, very likely, but I cannot remember that officer.

Were you with another man at the time?—Yes.

The charge was burglary?—Yes.

One of you threw away a large carpenter's chisel?—Not a large one—the same size as I pointed out just now. It was a chisel. Whenever I did commit a crime I never used any other implement. It is suggested that I had a bar of iron. I never had such a thing in my life, and I never had no use for it.

Do you say that you had not a jemmy on the 14th January, 1906, when Police Constable Page arrested you?—I say, so far as I can remember, I never had a jemmy in my life, but if it was it could not have been more than about *that* length (indicating), because I had it in my pocket when I was arrested, and they could not see it on me anywhere at all.

Was it what is called a cold chisel?—A carpenter's chisel altogether about *that* big (indicating).

On that last occasion when you were arrested were the proceeds of three burglaries found in your possession?—They were, yes.

What do you use a chisel for?—To get into a house.

In through the window?—Through the window.

Without waking the inhabitants?—Without waking the inhabitants.

And out again?—As a rule, you know, the places I commit burglaries in, the inhabitants of gentlemen's houses generally lived right upstairs; there is nobody down below.

But still you have got to get in and out without alarming people inside?—That is the way, yes, but you could not do it in a house in the East End, though, where people are living in every room.

When your clothes were taken from you you saw Inspector Ward, did you not?—Yes, my clothes were taken from me, I believe, before he came there.

And the next morning you saw Inspector Ward?—Yes.

And did he point out spots upon your collar, cuff and tie, and say they were blood?—He pointed out spots on the cuffs, the collar and tie, but they were so faint that the naked eye could not see them. I could not tell what they were, and even I myself thought they were mud, and if I am not telling the truth let him stand up and say so. According to the evidence given they have been trying to make out they could see blood spots as clearly as blood spots can be seen. As a matter of fact they were so faint that the naked

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eye could not tell what they were. It is only the doctor's evidence which proved them to be what they are.

Did Inspector Ward say they were blood?—That is what he said, yes.

Did you say, "No, they are mud"?—"No, they are mud spots"—and so they were—blood and mud mixed together.

Did you say a word to the inspector about your nose bleeding?—No, of course not, because I did not think of it at the time, but that is a fact just the same.

Re-examined by Mr. ABINGER—Have you ever in your life been convicted of a crime of violence?—Never in my life—never had a fight with a man in my life—never done violence.

Just shortly; have you ever in your life been convicted of assault?—Never.

Or charged with assault?—I have never been charged with any violence of any kind in my life.

You have been convicted, and you frankly admitted it, of stealing some ledgers and some cigars?—Yes.

What was the date of your release from the last sentence?—17th September, 1910.

On what date did you enter the employment of Mr. Pithers, the baker?—I went about the 21st; I do not exactly remember the date—but I worked before then for two days.

Take one thing at a time. How many days had elapsed between your release and your finding honest employment?—Five or six, I believe—not more.

How did you get that employment?—I saw an advertisement in the *Daily Chronicle* and I made an application for it, and I had a hard job to get it, too.

I think you told us you were paid 12s. a week wages and your board and lodging?—Yes.

And did that involve working nearly the whole of the night?—Between twelve and thirteen hours, I should think.

Why did you leave there?—Because they hounded me out of that place. I wanted to be my own master. I could not stand it any longer; every night they used to come bothering me.

By Mr. JUSTICE DARLING—What could you not stand any longer?—They kept on bullying me. Mr. Pithers complained about it, and he wanted to know why the police came in there.

Cross-examination continued—Did the police ever call?—They never called till I came there.

Did you see them at Pithers' place?—Yes, in the bakehouse; they used to go right into the bakehouse and sometimes stop there two or three hours.

Could you give the name or description or number of any one of those constables?—I certainly could pick them out if they were

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put in a row, but I do not know their names and I do not know their numbers.

Have you seen one here to-day?—If Thomas Pithers is called he can prove what I say. Every night police officers used to come into the bakehouse.

Every night?—Every night the whole time I have been there; they hounded me out of that place.

Did Mr. Pithers know, or did he not, that you had been convicted?—No, he did not, but he began to be suspicious. He wanted to know why the police kept calling there, especially at eight o'clock in the evening—private detective men. He in fact told me he was going to make a complaint to the magistrate over the road. Whether he did so or not I do not know.

Were those constables in plain clothes or in uniform?—In uniform.

Tell the jury this frankly. Your first lapse, we know, was for stealing ledgers?—Yes, that is what they put to my charge, but I know nothing at all about it. They missed those ledgers and they arrested me for them. I was working in that place at the time.

How old were you then?—I think I was about eighteen or nineteen.

Having been convicted as a boy of stealing ledgers, what made you commit the offences which you frankly admit that you did commit?—Nothing but hardship, but two of them, the last crimes which I have committed, were because the police bullied me and kept on worrying me every time I came out. That was the only reason. They would not let me stop and work for an honest living at any time.

Did you hear my friend Mr. Muir, in opening this case to the jury, say that one of the central facts of this case on which he was going to rely was that you had not been to the police yourself with respect to the murder of Beron?—I did not say it before, but now it is out I will tell you, my lord, the reason why I did not go there.

I would rather you did not. I will leave it there. He went on to say that if you were an innocent man one would have expected you to have gone round to the police to tell them that you had missed Beron. Did you hear my friend open the case like that?—Yes, that is what he said.

Did you hear Inspector Wensley swear he had not mentioned the word "murder" to you?—Yes.

Is that true?—It is not.

Did you hear two constables and an inspector swear here that you wished to see Inspector Wensley, as you wished to make a confession?—I never said anything to them about confession at all.

Did you hear those constables swear that?—I did, yes.

That you wished to make a confession?—I did, yes.

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The three of them?—I did.

Did you hear Inspector Wensley say that you wished to make a statement?—Yes.

My friend asked you whether Eva Flitterman had not sworn that when she visited your house in December you played the flute? Is that true?—How can it be? Kindly call the landlord and landlady and ask them if they ever heard me play a flute. If I did it could be heard all over the house.

Did any one swear to that fact except Eva Flitterman?—Nobody.

Did any one except Eva Flitterman swear that you were seen wearing a £5 gold piece?—Nobody.

You were asked by my friend whether you had ever made a statement before you entered the witness-box here with respect to purchasing a revolver and a flute and a variety of other matters. Did you, or did you not, receive advice from your solicitor as to whether you should go into the witness-box at the Police Court?—Yes.

Did you or did you not act upon your solicitor's advice?—Yes, I did.

How long have you been in the habit of going to music-halls in the East End of London?—I go two or three times a week; sometimes twice a week.

Have you been admitted into the more expensive parts of one of these East End music-halls with a cheaper ticket?—That very often happens. I generally myself go very early, but that very often is the case in music-halls.

Is it true or not that you took Jane Brodsky round to Rotto's house for an improper purpose?—Jane Brodsky is as innocent a girl as there ever was in this world. She is as pure and as innocent a girl as anybody's daughter, and anybody saying against that is a liar.

Is it true that you took her round to Rotto's house for an infamous purpose?—It is not.

Had you or had you not ever heard before it was suggested by my learned friend that Rotto was concerned in the white slave traffic?—I never knew anything about him about that.

Had you ever heard it suggested that he had?—I did, yes.

Before that?—No, never before he suggested it.

Was Rotto alone when you took that young girl round there?—I did not take her into his house at all; I took her into the shop. Mr. Rotto invited us to go up to his house and he took us up to his house and left us with his wife and myself, and then he went back to his shop again.

Was Mr. Rotto alone or was any one with him?—His son was with him in the shop.

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Did the girl go upstairs?—Yes, where his wife was in the parlour. She was with us all the time.

Has Rotto any children?—Two little girls and two boys. I am not quite sure, but they are generally in the house in the evening.

My friend put the *Evening News* of the 2nd January to you and asked if you had seen it, but you said no.

This is the whole article: “ ‘The Mad Landlord;’ stories of the murdered man; the mysterious Frenchman. Jubilee Street, in which are Jubilee Buildings, where the murdered man lived, is a long thoroughfare stretching from Commercial Road to Mile End Road. The buildings, which are comparatively new, consist of shops and tenements, let principally to members of the Jewish community. He had occupied a room on the second floor. ‘He came to us with his brother, who is about twenty years his junior,’ the daughter of the landlady told an *Evening News* representative ‘about three years ago. His name was Beron, and he was a Frenchman. Apparently he did no work, but we know that he had house property, because a neighbour once told us that she had lived in one of his houses in Grove Street, E. The brothers spoke to each other in French, and we understood that they came to this country from Paris fifteen years ago. They had very little furniture in the room, and only paid us 2s. 9d. a week rent for it. It seemed rather strange to us that a man with such property should be content to live in one room, but it seemed to serve him well enough. He was frequently out very late; in fact it was generally between one and two o’clock in the morning when he returned home. We could hear him, because we lived on the same floor.’ ‘I have known Beron by sight for the last seven years,’ said Mr. Jack Gold, of Little Holloway Street, ‘and I last saw him on Friday night. He was passing through Coke Street between eight and nine o’clock. He was wearing a blue Melton overcoat, a bowler hat, and patent leather boots, and, as usual, he was smoking his pipe. He had a curious walking gait, with a peculiar swing, and he always wore his overcoat collar turned up. Though I have known him so long by sight, I never knew what his proper name was.’ Night walks. ‘He was often to be seen in the early hours of the morning, often between one and two o’clock, generally in the Commercial Road. In this neighbourhood he was known as ‘the mad landlord,’ and the boys called out this name after him whenever he made an appearance. It was known, or believed, that he had considerable house property, but where it was situated I don’t know. It was, too, believed that he went about with money on him, but he didn’t part with it freely. I saw him on Boxing Day about 4.30 p.m. He had a couple of pails, with a brush in each, and some rolls of paper. He used to do his own paperhanging in his own houses. I said to him, ‘Have you been at work?’ but he

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didn't reply. He was not at all a sociable man—it was rarely that he spoke to any one.' A resident of Burros Street said that he had known the murdered man by sight for some years. 'My work keeps me out late, and I have often seen the old chap in Commercial Road. He was a regular customer of a coffee stall where I often go between one and two o'clock in the morning.' 'Did you read that?—It is quite possible, but I am not perfectly sure; I do read the papers, but whether I read that or not I cannot tell. It is such a long time ago.

It says in that article that he was not a sociable man. Had you during the time that you knew him been received by him on terms of acquaintanceship, or anything of that sort?—As I said before, I never had any conversation with that man. The only time I ever had any conversation with him was when he came up to the table and said "*Comment vous portez-vous, Monsieur,*" and I used to say, "*Tres bien, merci.*" That was the only conversation that ever passed between the two of us.

Did you read this passage out of the same newspaper, "The victim of the murder has been identified as a man named Beron, of Jubilee Street, Stepney. The official description referred to him thus:—Fifty to fifty-five years of age, 5 feet 6 inches in height, complexion, sallow; hair, grey; moustache, dark; wearing a black Melton overcoat with an astrakhan collar, dark striped jacket and vest, cloth trousers, patent leather boots, dark muffler. He was of French origin. He had lived at the Stepney address for about three years. He had resided with a brother, and he was visited daily by another brother, who resides in the same part of London. He was a widower. From his first wife he obtained a divorce; his second wife died about four years ago. His landlady understood that he lived on income derived from property at Balham. The dead man was last seen at his rooms at noon on Saturday. The brother with whom he had lived does odd jobs for people in the district. Yesterday morning he had an engagement at a local wedding. He did not return until 4 a.m. to-day. The police were then in possession of the house, and detective officers took the man to the Leman Street police station. At nine o'clock the second brother paid his usual call, and also was taken to Leman Street. It is said that the murdered man had two sisters, one of whom is married, living in London, and a third living in Paris. The *Central News* says that the brothers taken to Leman Street police station are named David and Solomon Beron. David has been released and Solomon detained until inquiries have been made"?—I cannot remember. I must have read it. It is very likely, but I cannot remember, because it is so very long ago.

Dr. JONATHAN FEARNLEY, examined by Mr. ABINGER—I am a member of the Royal College of Physicians and a licentiate of the

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Royal College of Surgeons, and I practise at 21 Devon's Road, Bromley-by-Bow. I have had considerable experience in accidents and injuries, and I have frequently given evidence in Courts of Justice where questions of physical injuries to men have been concerned. I have had an opportunity of reading the evidence given here by Mr. Freyberger and Dr. Needham. Being shown exhibit 13, being a portrait of the deceased man, showing the horseshoe-shaped wound on the right hand side of the forehead—in my judgment that injury was inflicted by a single blow.

By Mr. JUSTICE DARLING—I did not see the dead body of Beron.

Examination continued—On examining the photograph I find that there is a flap of skin which has the appearance of a lacerated wound. The end towards the temple has a point; the end towards the nose has the flap of skin connected at the base with the rest of the skin. I think that an angular instrument, such as a hammer, must have been used.

By Mr. JUSTICE DARLING—I cannot suggest any other instrument besides a hammer. It must have been an instrument having something at the end of it at an angle.

Examination continued—I produce and hand to the jury an iron bar, $1\frac{1}{2}$ inches in diameter, and 4 or 5 inches round. I procured that bar from Messrs. Buck & Hickman, iron and steel merchants, 2 and 4 Whitechapel Road. It weighs 12 lbs.

In your judgment, was it possible that such an injury as is exhibited upon that photograph could have been caused by such a weapon?—No, because with a weapon of this size it would have smashed this flap of skin to pulp.

What effect would such a blow, dealt by a weapon like that, have upon the skull?—It would fracture it, of course.

Would it make a hole right through the skull, or would it only crack it?—It might do either. In my judgment, the arc-like appearance of the wound at the top indicates retraction of the muscle.

Could a straight bar such as I have put in your hands have produced a wound in the shape of an arc like that?—No, not with two blows.

I want you to tell us in a little detail why it indicates to you that one blow was inflicted, and not two. In the first instance, will you look at that spot where the two open ends of the horseshoe end?—They are exactly opposite one another, at the base of the flap of skin. That indicates to me that it is a single wound, and not two wounds, because they would hardly meet exactly opposite one another as that. It would be a most remarkable coincidence that two wounds should finish exactly at the same spot. Not only that, but if they did that, they must have been parallel below the lower end of the wound.

Assuming two separate blows had caused those open ends at one

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side and closed the ends at the other, could not that be accounted for by the shape of the skull?—No, I do not think so. My second reason for thinking that this was the result of one blow and not two is that the skin has been raised up in a flap. The upper end of the wound is obviously the place where the weapon entered. Every wound must have a point of entry of the weapon. It has been given by the assailant facing the victim, and has penetrated deeply at that point; and when the assailant was withdrawing the weapon after the blow, which he naturally would do, he has carried the skin and the pericranium, which is the lining membrane of the bone, down towards the nose in the form of a flap, indicating that it has been done by an angular instrument at one blow. There are no signs upon that photograph of a continuation of the burst in the skin.

Does that indicate anything?—It does, because the two blows must have been parallel, and the whole shape of the wound would have been oblong, not pointed at the upper end; it would have even had lateral splits at the upper end.

You have read the evidence of Dr. Needham and Dr. Freyberger. Do you find any history of two parallel fractures of the skull to correspond to the two blows on the forehead?—I have read that the fracture corresponding with the site of this horseshoe-shaped wound on the skull, that is to say, below it, had two parallel cuts. A vertical crack was also mentioned. I could not form an opinion in my own mind as to what relation the vertical character had to the two parallel ones. The appearance of those two parallel cracks does not interfere with the hypothesis which I have just expressed, because the skull is an elastic body. If you throw a skull upon the floor, it will rebound, and the site of fracture does not always correspond with the actual blow. A single blow might depress the skull and cause a fracture at either side of its edge.

By Mr. JUSTICE DARLING—I have not seen the skull.

You do not know whether the cracks were where the wound was or not?—I have read the account, and it says so.

Examination continued—Accepting the evidence that the fractures were where the wounds were, I was explaining why that was not inconsistent with my hypothesis that this is the result of one blow, because immediately underneath that point of the hammer which is applied to the skull the elasticity of the skull would allow it to go in, and you might get a parallel fracture on either side of the circumference of the hammer. My evidence is that the corresponding fractures are consistent with either theory. It is difficult to say what form a fracture will take when a blow is applied to the skull.

Under what conditions is a fracture of the skull more probable— if a man is standing and receives a blow, or if he is lying in a recumbent position on the ground?—When he is lying on the ground, because the ground itself forms a resistance on the other side; this and opposing force.

Steinie Morrison.

Dr. Fearnley

By Mr. JUSTICE DARLING—Do you mean to say, if anybody took a heavy piece of iron and struck a man who is standing up a blow where that wound is, that it could not fracture the skull when the victim is standing up in that position?—No; I do not say that it would not fracture the skull, but I say it would be more likely to do so when he was on the ground. It is more likely to glance off the skull when he is standing up.

Examination continued—I have heard that the bowler hat belonging to the deceased man was found, uninjured, some distance from the body.

Could that wound have been delivered upon the deceased man's forehead with his hat on, when he was standing erect?—No; when the man received the horseshoe-shaped wound upon his head, he may have been either erect or recumbent, but I think he was more likely to be recumbent. I have read the evidence of Dr. Needham, who saw the body as it lay on the early morning of 1st January, having eighteen wounds upon it; and I have heard the evidence of Dr. Smith and Dr. Willcox that twenty-six articles of wearing apparel belonging to the accused had been submitted to them for analysis, and, with the exception of three articles—the collar, tie, and shirt, which are before me—they found no traces of blood.

Have you read that the man must have been struck on the head, knocked down, dragged by the collar of his coat some distance, slashed about the face on both sides, stabbed in the abdomen, and then arranged almost in a natural sleeping position?—I have read that.

Slashed in the face while he was lying upon the ground would have involved the assailant either stooping or kneeling—do you agree or do you not?—It would involve stooping.

Having that in your mind, would you or would you not expect to find more blood upon the assailant than the spots which are on the garments before you?—Not necessarily whilst he was delivering the wounds, but I should expect to find more blood while he was dragging the body away and manipulating it.

By the FOREMAN—Do you mean there would not be sufficient spurting of blood?—There need not be. There must have been oozing of blood all over the skull, but not necessarily spurting.

Examination continued—Assuming eight blows were rained in rapid succession on the head of the deceased man, would you expect to find blood upon the instrument?—Yes, of course. An instrument such as I have in my hand, in order to inflict such a wound, would have to be raised over the shoulder or the head of the assailant.

Assume that whilst those blows were being delivered by the accused he was wearing the green coat which he has put on just now, would you have expected to find any blood upon that coat?—Not necessarily. It could have been done without.

Assuming there is a quantity of blood upon the coat of the deceased man, and particularly about the collar, in your judgment,

Evidence for Defence.

Dr. Fearnley

could the deceased man have been dragged as I have described to you by his assailant, turned over and arranged, without blood getting upon the sleeve of that coat?—It might not if the man were extremely careful, but I should not expect it not to do so. I should expect to find some part of his overcoat, either the sleeve or the skirts in front, or his trousers possibly, smeared or soiled with blood.

Assuming that at the spot where the body fell there was a pool of blood, would you expect, with a tall man like the accused, wearing that long overcoat, to find blood upon the skirt of the great-coat when he was stooping?—I should.

Cross-examined by Mr. MUIR—I was instructed in this case about ten days ago. This is the first criminal case—except Police Court cases, in which I have given evidence. The only material I had before me to enable me to form an opinion was the two photographs (exhibits 8A and 13), and the report of the Police Court proceedings.

JOSEPH ALLBURN BUNKER, examined by Mr. ROLAND OLIVER—I am a clerk of Messrs. Claude Lumley & Co., solicitors for the accused. I produce the *Daily Chronicle*, the *Daily Mail*, the *Daily Mirror*, and the *Daily News* of 10th January (exhibit 79). There is a photograph or picture of the accused in each one of those papers. I also produce the *People*, *Reynolds*, *Weekly Times*, and *Weekly Dispatch* of 17th January (exhibit 80). Each of those papers contains a portrait of the accused.

WILLOUGHBY LANCELOT VINING, staff photographer on the *Daily Graphic*, spoke to a picture in the *Daily Graphic* of 9th January (exhibit 73).

FRANCIS EDMOND BELL, examined by Mr. ABINGER—I am assistant art editor of the *Daily Graphic*. (Shown exhibit 73.) That copy of the *Daily Graphic* contains what purports to be a photograph of Cohen's restaurant, Fieldgate Street, Whitechapel Road, and underneath is the following written matter—"The unfinished meal left in Cohen's restaurant, Fieldgate Street, Whitechapel Road, yesterday morning by the man who has been detained in connection with the Clapham Common mystery. He was seated in the empty chair on the right." The first intimation I had of this arrest came by the Exchange Telegraph Company's tape shortly after one o'clock on Sunday, 8th January. In consequence of that tape message the photographer was sent. The written description would not be prepared until it was confirmed from other sources.

THOMAS PITHERS, recalled, further cross-examined by Mr. ABINGER—During the time Morrison was in my employment, from September to 10th December, he was hard-working and industrious. When he left my employment I did not know that he had been convicted. If I had known that he had been convicted I do not think I would have

Steinie Morrison.

Thomas Pithers

taken him into my employment. On one or two occasions I saw police constables come to the bakehouse door—twice I did so—about three o'clock in the morning.

Had you ever, in your experience as a baker, been honoured in this manner by police constables in the morning before you took Morrison into your employment?—No.

By Mr. JUSTICE DARLING—Had you ever seen them there before he came into your employment?—Yes.

Cross-examination continued—How could the police find their way into the entrance of the bakehouse?—I believe it is part of their beat to come along by that part of the entrance.

You do not suggest that your bakehouse is part of their beat?—No, not inside the bakehouse.

By Mr. JUSTICE DARLING—I saw them twice inside whilst Morrison was in my employment. Morrison complained to me and said he did not see why there was any need for them to come, and I said that if I was passing the police station I might mention it to somebody, but I did not mention it. If I had discovered that he was a convicted person whilst in my employment, I think I should have discharged him.

Further re-examined by Mr. MUIR—The constables whom I saw about three o'clock in the morning were in uniform. I did not inquire, nor did I know, what they had come for. I do not think they came for anything in particular. I do not know whether they warmed their bottles of tea in the bakehouse, and I have not inquired whether they were in the habit of doing so. I do not have any distinct recollection of seeing police constables coming to my bakehouse before the accused was in my employment.

Do you know whether they have been to your bakehouse since he left?—Yes. I remember now it was only on one occasion when Morrison was there, and once since; it is only twice that they have been there, to my knowledge. They have never said anything to me at all about Morrison.

Would it be true to say that the police hounded Morrison out of your employment?—

Mr. ABINGER—I object to that question.

Mr. JUSTICE DARLING—I do not think you can put that, Mr. Muir.

By Mr. MUIR—Did the police ever do anything, so far as you were concerned, to make Morrison leave your employment?—No.

How did Morrison come to leave your employment?—

Mr. ABINGER—I object to that question. It does not arise out of my cross-examination.

Mr. JUSTICE DARLING—No, it does not.

Mr. MUIR—Will your lordship allow this question—did he leave your employment voluntarily, or did you discharge him?

Mr. JUSTICE DARLING—No, I think not. I do not think that strictly arises. It is contradicting the accused himself.

Evidence for Defence.

Frederick Wensley

FREDERICK WENSLEY, recalled, further cross-examined by Mr. ABINGER—I am the police officer who effected the arrest of Morrison.

Could you have put your finger upon Morrison if you had wanted to before 8th January?—I could not. I did not know, nor had I heard before 8th January, that he was in Whitechapel.

What did you arrest him for on the morning of the 8th?—That he, being a convict on licence, failed to notify his change of address.

How many police officers did you take with you to effect that arrest?—Four besides myself.

Do you tell the jury that it is usual to take five officers to detain a man for failing to notify his change of address?—If that had stood alone, no.

Do you tell the jury on your oath that you did not take this man for murder?—I took him for failing to notify his change of address, and with the possibility, as I then knew, of his being charged with murder.

Do you pledge your oath you did not arrest him on suspicion of having committed a murder?—Certainly. I have said so over and over again.

Had the police received statements connecting Morrison with this murder before he was arrested?—They had not.

Do you know that Inspector Ward has sworn that they had?—

Mr. MUIR—Will you point out where Inspector Ward has sworn that?

Mr. ABINGER—Yes, certainly. I read what Inspector Ward swore at the City of London Police Court—“On the 9th January the prisoner was put up for identification. He was identified by nine persons. Those witnesses were all obtained before the 9th and before the 8th.”

(To Witness)—What do you mean by swearing that the police had received no information—

Mr. MUIR—I ask my learned friend to call attention to any statement by Inspector Ward that he made connecting Morrison with the Clapham murder.

Mr. ABINGER—Is my friend entitled to get up and interrupt me in the middle of a question to give an explanation to your lordship?

Mr. JUSTICE DARLING—Yes, certainly, because you are suggesting that what you have just read showed that Inspector Ward had made statements connecting the accused with the crime.

Mr. ABINGER—I am suggesting that Inspector Ward gave his evidence as an honest, upright, honourable officer.

Mr. JUSTICE DARLING—That is not the point at all.

Mr. ABINGER—That is the point I shall make to the jury.

Mr. JUSTICE DARLING—And that this officer is not?

Cross-examination continued—Do you still say that on the date of Morrison's arrest the police had received no statement or information connecting Morrison with this murder?—No. We received a

Steinie Morrison.

Frederick Wensley

description from the many witnesses who were subsequently called, giving in some instances a description of the man. We had no knowledge that that man was the prisoner at the bar at that time, nor until he was identified either. I think it was on 2nd January that Mrs. Deitch made her statement to the police. I was present when she made it.

Do you say that the statement of Nellie Deitch does not connect Morrison with this murder?—Not beyond the description.

Was it a description which corresponded with Morrison?—Yes.

Then what do you mean by swearing you had nothing which connected Morrison with murder?—It might have connected a dozen other people.

Is it your point that it did?—My point is what I have already stated—she gave a description of a man.

Mr. JUSTICE DARLING—We must have Mrs. Deitch's statement read now. This is the statement of Nellie Deitch. Nellie Deitch, wife of Samuel Deitch, of 401 Commercial Road, E., says—" I have known the deceased man, Mr. Beron, for the past twelve years. On Saturday, the 31st December, 1910, I went to a party at 73 Commercial Street; we broke up at 2 a.m. on the 1st January, and walked as far as Gardiner's Corner, as we could not get a tramcar. There was no car here at Gardiner's Corner, and we walked to Bedford Street, Philpot Street, Commercial Road, and when near here I met Mr. Beron with a friend. Description as follows:—Tall—I should say head and shoulders more than deceased. Age twenty-six—he might be older; he was dressed in an overcoat, muffler, and collar; he carried a walking-stick, and had patent boots and a smart cap. They were walking towards Aldgate, westward. The deceased was dressed in an overcoat with astrakhan on the collar, bowler hat, collar, and muffler, smart patent boots. He was smoking a pipe. I noticed the man with him in consequence of his smart appearance. Knowing that deceased usually walked with his brother, and seeing him at such a late hour drew my attention, and I said to my husband, ' Look, there's Mr. Beron, and the fellow he is with looks like a Russian.' My husband said, ' Take no notice,' and I felt suspicious of the man and took particular notice of his appearance. I said to my husband, ' That is Mr. Beron,' and the man who was with him turned round and looked at me.—(Signed) Nellie Deitch. Taken this 1st January, 1911."

Then there was a further statement on 9th January, 1911—" On the 9th January, 1911, I attended Leman Street police station and identified the man I had seen with Mr. Beron from amongst a number of other men as the man I saw with him on the morning of the 1st, going westward in the direction of Aldgate.—(Signed) Nellie Deitch. Taken this 9th day of January, 1911."

Cross-examination continued—I was present when Castlin's

Evidence for Defence.

Frederick Wensley

statement was made, but I do not remember the date. I should think that in all probability I knew that he went to the police station on 4th January.

Do you tell the jury that you did not connect Morrison with this murder after knowing of Castlin's statement?—I have already said I did not connect him with the murder until he was identified, so far as the witnesses are concerned.

Will you answer my question? Do you tell the jury, or do you not, that you did not connect the accused with this murder after reading Castlin's statement?—No.

You did not connect him?—No. I do not know the date when Jack Taw made his statement to the police. They were all about the same time, the 2nd or the 5th, or something like that.

Inspector Ward has frankly told us that nine persons made their statements before the accused was arrested. Did you or did you not know before Morrison was arrested that the statements of nine different persons had been taken?—Yes, I knew.

Do you tell the jury, knowing that the statements of nine different persons had been taken before the 8th, you did not arrest Morrison on suspicion of murder?—I did not.

I show you the *Daily Graphic* of 9th January, which contains a photograph of Cohen's restaurant. I invite you to tell the jury if you did not mention at that restaurant that you were arresting Morrison for murder, how could that illustration have got into the paper on Monday morning, when you arrested him on the Sunday? How could that information have got there if you did not use the word "murder"?—I do not know how it could have got there; it may have got there by many, many means. Almost immediately after this man was arrested and was going to be put up for identification, officers were sent out to these witnesses asking them to attend the station as early as possible for the purpose of identifying this man, but we could not get them all in together until the following morning. Publicity must of necessity have been given to it almost immediately after he was arrested.

Do you suggest, then, that this photograph taken inside this restaurant was in consequence of information afforded by Jack Taw or Mrs. Deitch, or that class of witness?—I cannot tell you who it was given to, or anything of that kind.

The only man who would know what he was arrested for would be Morrison, according to you?—Yes.

Or the inmates of that coffee house. Do you follow my question?—No, I do not.

If you had said, "Morrison, I arrest you for murder," he would have known that he was arrested for murder, and the inmates of this house would also know. If you did not mention that he was arrested for murder, Morrison would not know it and the inmates

Steinie Morrison.

Frederick Wensley

of the coffee house would not know it?—No, not what he as arrested for.

Then the only suggestion that you put before the jury is that this information must have been furnished by Taw, Deitch, or some of the witnesses called from Whitechapel?—I only gave you that as one reason. I will follow it up with another if you wish it. Before twelve o'clock the accused had already communicated to the inspector on duty at Leman Street that he wanted to see me to make a voluntary confession, and publicity may have leaked out in some direction or another even from that quarter.

That is interesting. Do you suggest that the word "murder" passing in a police station would leak out, so that it would escape the police station and find its way into this coffee house in Whitechapel?—It evidently did leak out somewhere, but I have no knowledge who made the communication.

Do you suggest that any police constable, police sergeant, or inspector would mention such a fact as that outside the police station?—Possibly he might, and think no harm in it.

What? That Morrison had been arrested in connection with the Clapham Common murder, when he had not been?—No. After that statement, it would have been just possible for a police officer to have heard it and communicated it quite in the ordinary way.

Heard what?—Heard that this man wanted to make a voluntary statement or confession.

Perhaps, but why in connection with the Clapham murder?—As I have told you, I had already sent out for those witnesses who were going to identify the man in connection with the Clapham murder.

Did you hear Morrison swear that you said to him, "Steinie, I want you for murder"?—I heard him say so.

This is what Inspector Ward swore to at the Police Court—"Shortly after he was taken there (that is, Leman Street) he sent for Inspector Wensley, and subsequently for me. He said, 'I understand I am detained here on a very serious charge—murder, I am told, and I desire to make a voluntary statement.'" This is what the inspector replied, "Very well; perhaps, if you tell me verbally what it is, we shall understand, and then we can write it down correctly." There is nothing here about, "No, Morrison, you are detained on a charge for failing to notify"—He was already charged with that offence and detained for that offence, and an entry was made in our book.

Do you draw a distinction between "arrested for" and "detained for"?—Yes.

What was Solomon Beron detained for?—He was not detained at all—not in the sense of detention. He came to the station, and his statement was taken.

Evidence for Defence.

Frederick Wensley

Could he have refused to go?—Well, if he had refused to go the statement would have been taken at the address where he was found.

Supposing he had refused to give it?—Then I should use sufficient tact to induce him either to come to the station or something of that kind to take his statement.

Do you, in face of the statement I have read to you by Inspector Ward, and in face of the fact that the Exchange News on this morning at one o'clock was telephoning it to the *Daily Graphic*, tell the jury again that you did not use the word "murder" or the words "Clapham Common" in that restaurant?—I never used the word "murder" at all.

In a murder charge, any suggestion that the prisoner wanted to make a confession is a most serious matter?—Yes, it is.

It amounts to this, that the prisoner wished to plead guilty to the charge of wilful murder—a confession of murder?—Yes.

Did you see the prisoner with regard to his request to make a voluntary confession?—Yes.

Do you pledge your oath that he used the word "confession"?—I am not quite sure whether he did or did not to me; I think to myself he said "voluntary statement." I heard the evidence of the two police constables, Staff and Harris, and of the inspector, Mackenzie, that Morrison said he wished to make a confession. I heard the evidence of Inspector Ward that he wished to make a statement, and I know what he said subsequently.

Do you suggest that is a confession?—No.

Further re-examined by Mr. Muir—Is this what Inspector Mackenzie said, repeating the prisoner's words, "I want to speak to Mr. Wensley. I have a confession to make; this is a serious matter, and I want to clear myself"?—Yes.

It was a confession to clear himself—that is the kind of confession of which he was talking?—Yes, that is so. When he was arrested I gave him into the custody of Inspector Mackenzie, who was the inspector in charge of the station.

Upon what charge did you give him into the custody of the inspector?—That he, being a convict on licence, failed to notify his change of address.

You were asked why, if you were only arresting him upon a charge of failing to notify his change of address, it was necessary that you should take so many officers with you?—I had known that this man was carrying loaded firearms. The officer who went up to him at once searched his hip pocket.

In any statement taken from the nine witnesses, was Morrison's name given as the person who had gone away with Beron?—In none of them.

That is to say, he was not mentioned by name, but was described?—That is so.

Steinie Morrison.

Ernest Laundry

ERNEST LAUNDY, examined by Mr. ABINGER—I am the assistant publisher of the *Evening News*. The 5 p.m. edition of the *Evening News* gets out on the streets at 4.30, and on Saturdays it is out at 3.30. The 6.30 edition gets on to the streets about 5.45. The circulation of the 5 p.m. edition, the home edition, is about 90,000 copies, and of the 6.30 edition it is about 279,000 copies.

ABRAHAM FELDMAN, examined by Mr. ABINGER—I am a jeweller, and live at 6 Black Lion Yard. On 9th November I sold to a man an 18-carat gold watch, an 18-carat gold chain, and a 10s. piece for £9 17s. 6d. Exhibit 27 is the receipt, and it is in my own handwriting.

Look in the dock. Do you or do you not recognise the man in it as the man to whom you sold that watch and chain?—No, I cannot recognise the man; I cannot be sure; I cannot recognise his face. I think the man was in the shop about ten or twelve minutes. It must have been in the evening. My shop is illuminated with gas and electricity.

Mr. JUSTICE DARLING—Any other witness?

Mr. ABINGER—A meteorologist has been subpoenaed to attend here to prove that on the night of 31st December and early morning of 1st January there was no moon.

Mr. MUIR—That is a matter which can be proved by the calendar. I agree that is right.

Mr. ABINGER—I am obliged to my friend—no moon, clouds, and no rain. I am now going to call my last witness.

LEWIS MINCHINSKY, examined, through the Court interpreter, by Mr. ABINGER—I am a bootmaker, and live with my wife at 27 North Place, Buxton Street, E. Sam Rosen lived with me as a lodger at Frostic Place, Whitechapel. I moved from Frostic Place to North Place some time in January. I find that the rent in Frostic Place was last paid on 16th January. Rosen used to sleep in the back part of the shop, and I slept in the parlour at the back of the shop. I remember the day before the New Year. Rosen went to bed at 11.30. I read a report of Rosen's evidence in the newspapers. After he had given that evidence I met him and I spoke to him. He said that he did not speak correctly when he said that he saw Morrison and Beron at half-past one at night-time. He said he would like to speak to the solicitor of Morrison and say the truth.

JOHN HOLMES GREAVES, recalled, further examined by Mr. ABINGER—The distance from a point somewhere near Philpot Street and Bedford Street in Commercial Road to the corner of Sidney Street in Mile End Road is 710 yards.

Mr. ABINGER—That is the defence.

Evidence for Prosecution.

Mr. MUR—The accused gave evidence for the first time at this Court both by himself and by witnesses stating that he and two witnesses he called were in the Shoreditch Empire between nine o'clock and some time after eleven. That evidence was intended to contradict the evidence called on behalf of the Crown as to the accused and Beron being together for the greater part of that time in Snelwar's restaurant. I propose to call evidence to show that the statements made by the accused and his two witnesses as to their being in that theatre were untrue.

Further Evidence for the Prosecution.

HECTOR MUNRO, examined by Mr. MUR—I am the acting manager of the Shoreditch Empire. I remember having performances at that music hall on 31st December last. Exhibit 74 is a plan showing the seating accommodation upon the ground floor. On the night of 31st December there were two rows only at 1s.—the back two, marked L and K. The price of the seats in the next row (J) was 1s. 6d., and the seats in the remaining rows were all reserved seats at 1s. 9d., which were booked at the box-office or by telephone. All the seats up to row J were booked up for the second performance on that night at five o'clock in the afternoon. The door opened to let people in to row J at 1s. 6d. at about ten minutes to nine. There are thirty seats in that row, which is the ninth row. The seats in that row were filled in two or three minutes after the door opened. There was a queue at the door that night, which began just after seven o'clock. In order to get a seat in row J it would be necessary to be in the queue at about quarter-past seven. The door for the two unreserved rows at 1s. opened at about ten minutes to nine, and the people for these seats were also in the queue that I have referred to. The seats would be filled up in a minute or two after the door opened. For a seat in the back rows (L and K) a person would get a dark-blue paper ticket which would be given up at the first entrance. For a seat in row J he would get a blue cardboard ticket, a piece of which would be torn off at the front entrance, and it would be given up when they got to J row, and would admit them into that row. With regard to the remaining rows, A to I, the persons who booked seats would get a counterfoil paper ticket showing the number of their seat and the name of the row. They would keep that ticket the whole night. I see the place marked on the plan with a pencil cross between G9 and F8. There is no post in front of that at all. There are two posts at the back of J row, which I mark with a red pencil. There are 310 seats on the ground floor. On the night in question there were 502 persons admitted. I was at the booking office that night. About three minutes after we opened the theatre there was standing room only. On that Saturday night there was no performance of a little girl and

Steinie Morrison.

Hector Munro

boy acting as man and wife, nor was there any performance by a man acting as a Scotsman.

Cross-examined by Mr. ABINGER—What enables you to come here on 13th March in a murder trial to tell the jury on your oath that you can remember what time this particular queue was formed up?—Because this night in question, 31st December, was the Saturday night of a Bank Holiday week. Inspector Brogden, whom I have known for the last six years, telephoned me last Friday and said that the judge wanted me in Court here, and to come along right away. I have mentioned to no one besides Mr. Muir when the queue formed up. I have seen Inspector Brogden at the music hall during the last six years, but I would not say frequently. I may have had drinks with him in the theatre bar, but I do not remember. On the night in question there was a man called Harry Champion on the stage, and he sang a song called “Ginger, you’re barmy.” He was singing in the hall all that week, but he was not there on the Monday following. There was nobody dressed up as a Scotsman performing in the week ending 31st December; the Scotsman did not start till Monday, 2nd January. Gertie Gitana sang on the Saturday night in question; she was not singing the following week, as the programme was entirely changed.

Have you ever known two girls—we will suppose two good-looking girls—coming rather late to the music hall, being given two seats by two men? Is that an unusual thing in a music hall?—Yes, I should say it is unusual, but I have heard of such a thing happening.

Re-examined by Mr. MUR—When the house is full I always tell the people that there is standing room only. I told them that night at about five minutes to nine.

Mr. MUR—The accused said that on Saturday morning, 31st December, he had bought a flute at a stall in the market. I propose to call evidence as to what the state of the market was on that morning.

STEPHEN DART, examined by Mr. MUR—I am a police constable, and I was on traffic duty at the top of Leman Street in the High Street, Whitechapel, between eight in the morning and twelve noon on Saturday, 31st December last. The plan (exhibit 76) shows where the stalls stand in that part. In the morning there is a hay market in the middle of the street, and no stalls are allowed to come any further towards Leman Street from the entrance to Aldgate Street Chambers.

Mr. ABINGER—My lord, my learned friend cross-examined the prisoner upon certain matters on a certain issue, and he is now proceeding to call evidence to contravert the oath of the defendant. I submit that he can only do so where the matter that he is cross-examining about is relevant to the issue, and if it is not relevant to the issue he is bound by the defendant’s answer.

Evidence for Prosecution.

Mr. JUSTICE DARLING—But why is this not relevant to the issue?

Mr. ABINGER—The issue in this Court is ay or no, did the prisoner murder Mr. Beron?

Mr. JUSTICE DARLING—But there are many other issues besides that; that is one issue.

Mr. ABINGER—My lord, that is the issue.

Mr. JUSTICE DARLING—That is one issue, that is the main issue; but there are many other issues leading up to that. This is not merely as the general proof of the guilt of the prisoner.

Mr. ABINGER—It is contradicting him.

Mr. JUSTICE DARLING—It is not merely as to his guilt.

Mr. ABINGER—I have always thought the principle was that if the defence raised fresh matter, then the Crown might rebut by calling fresh evidence. I have never heard it ruled yet that where a prisoner had been cross-examined and counsel for the Crown had closed the case he might call evidence to contradict the prisoner's oath on by-issues.

Mr. JUSTICE DARLING—You will find practically all the modern law on the subject in the judgment in *The King v. Crippen*, which is reported.

Mr. ABINGER—In the case of *The King v. Crippen* it was a different point altogether. In *The King v. Crippen* the question arose in this way—speaking from memory—whether a shirt which was found in the cellar was purchased a long time before the murder or after the murder, or about the time of the murder. The prisoner was cross-examined, and swore to a date when he purchased the shirt, which date made it impossible that he could have had the shirt when he committed the murder, because that particular shirt had only been manufactured afterwards. I submit that there is no analogy between the two cases. Your lordship sees how this question arises. The dispute here is this. The Crown allege that on the night of the murder the prisoner took away from Snelwar's restaurant a parcel containing a bar of iron. On the other hand, the prisoner says on the night of the murder, "I took away a parcel which contained a flute." That is strictly relevant to the issue. Now, my learned friend is trying to prove that the prisoner when in the box swearing that he bought that flute on that day was not telling the truth—that he bought it at some other date. That is not the issue. The issue is, was this a bar of iron or a flute that the prisoner purchased? *Non constat* that if he had bought it on some date—not that date—it might have been that parcel. I know it is a very difficult question—to me it is a very difficult question at least, but I submit with great confidence that this evidence is not admissible.

Mr. JUSTICE DARLING—I will give you the benefit of the doubt that you felt, and exclude the evidence.

Mr. MUIR—My lord, if it is relevant I submit that it is most important evidence and ought in the interests of justice to be

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admitted. The defendant says, as accounting for a parcel which he took away from Snelwar's restaurant at midnight, "That was a flute which I had bought in the morning and which I was carrying about in my pocket till eight at night. That is the parcel; that is how I came to have the parcel."

Mr. JUSTICE DARLING—I will tell you, Mr. Muir, what I will do. If there had been no flute at all I would have admitted the evidence, but he had got a flute and therefore it is simply narrowed down to when and where he bought the flute which undoubtedly he had. It is for that reason I do not allow the evidence, although I am not going to have it reported that it is not evidence, because I do not say so. There are some things in which one favours a defence, and this is one.

Mr. MUIR—Your lordship puts it on that ground?

Mr. JUSTICE DARLING—That is the only ground, I should think.

Mr. ABINGER—My lord, I do not accept it. Although I am grateful to your lordship I decline to accept it on that ground.

Mr. JUSTICE DARLING—If you ask me to reject evidence, I can reject it, and you cannot choose your reasons, Mr. Abinger. I have rejected it.

Mr. ABINGER—If it is evidence let it be admitted.

Mr. JUSTICE DARLING—Ah.

Mr. MUIR—My lord, there is another issue upon which I propose to call evidence. The prisoner swore that he had never been with Leon Beron outside Snelwar's restaurant at all. I put to him two instances in which I suggest that he was.

Mr. JUSTICE DARLING—They were two or three days before?

Mr. MUIR—Yes.

Mr. JUSTICE DARLING—I should not allow that. There is always a point at which evidence becomes too remote from the matter being investigated to be altogether germane to it, and although it is difficult to draw the line I should not admit evidence to contradict what he said about that.

Mr. MUIR—If your lordship pleases. That is all the evidence for the prosecution.

Closing Speech for the Defence.

Mr. ABINGER addressed the jury on behalf of the prisoner. He remarked that his lordship had complained, not unreasonably, of the time taken by him as representing the accused in eliciting certain facts; he had asked the jury to appreciate the responsibility resting upon counsel who undertook the defence of a man charged with murder; they must remember that whilst in that case they were affected for a week, to the man in the dock it meant eternity.

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One of the central facts of the prosecution was that the accused did not go to the police and tell them that he had known the dead man. But, counsel submitted, the accused was a convicted man on licence. If his character had not been in issue, and had his counsel not cross-examined witnesses as to his character, the jury would never have known why he did not go to the police. For the first time in his long experience an accused charged with murder had demonstrated that two witnesses called for the Crown at the Police Court had stated that which they knew to be untruths, and untruths of the most deadly character. One of those statements was by a woman to the effect that a portion of the deceased's property was seen upon the accused on the very day of the murder. The other statement was that at a critical part of the day the accused was seen in the company of the dead man. Those statements were of the most deadly character. Both were untrue, both invented, and both confessed to. Did the jury doubt for a moment that the most diabolical perjury was committed by the boy Rosen? Flitterman had been able to come forward and commit perjury in a murder case, and yet she escaped. The accused knew the consequence of the questions which were put to impeach the credit of Mrs. Deitch, and it was on his instructions that those questions were put. And this had been held as a rod over him, although he had demonstrated the falsity of some of the principal witnesses called against him.

The jury now knew the history of the accused, and, speaking frankly, he was glad they knew it, for two reasons. The first reason was, "I am free. I can say what I like. No more rod can be held over me now. You can do me no more harm." The second one was a more cogent reason, and one which he hoped the jury would remember, because they could not hope to do justice in the case unless they did. It was this: if the Crown, represented by his learned friend, thought they had a clear and conclusive case against Morrison, what necessity was there, because he questioned a woman as to her credit, to parade the shame of the accused's life? It was an admission that the case was so weak that unless the jury knew the history of this man it might be in danger. There was not a previous suggestion of violence against him, not even a conviction at a Police Court for common assault. But it had a danger, inasmuch as a jury might be influenced by a prisoner's past instead of dealing only with that which related to the present. He asked them to remember that in considering their verdict.

What was the motive for this murder? There was not a scrap of evidence on which they might rely that Beron had any money in his pocket. He was going to suggest that robbery had nothing to do with that murder. If that was not the motive, what was? Here came the remarkable part of the case. What must strike anybody in this case is one fact which his learned friend from the moment he opened had carefully avoided. Certain photographs had been put

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in by the defence showing the " S " cut upon the sides of the man's cheeks. Let them examine that. Beron lived in Jubilee Street. Beron was known to the police. There was an anarchist club in Jubilee Street. On 16th December there were atrocious murders, and three precious lives lost, sending the whole of the country into mourning. London was ransacked for the murderers. Some were arrested on the 22nd, some on the 23rd, but the ringleaders were not arrested. " Peter the Painter " was at liberty. What followed? On 1st January Beron was murdered. The inspector had said that, in consequence of information received, Sidney Street was surrounded on 3rd January, and two men were burnt. But another man, " Peter the Painter," was at large, and was still being looked for. The inspector had been asked, " Who are the other persons you are looking for? " " I would rather not answer that question," was the reply. Was that a coincidence? Let them examine what happened on Clapham Common in the light of those facts. If the murder had been for robbery every moment would have been considered precious. But in this case there were not only two blows used to kill Beron (though he suggested that death was caused by one), but the deceased man's face had been slashed with the letter " S," the first letter of " Sckpick," the Russian for spy. Then there was the placing of the body in an almost natural position. This, he contended, was a crime of vengeance. The prosecution had never for a moment—and he defied them to do it—suggested the remotest connection between the accused and the perpetrators of the Houndsditch murderers. Mr. Muir said to the bank clerk who was called to identify the signature of Morrison, " Look at these S's, are they not open shaped like the opening of a fiddle? " The suggestion he (Mr. Abinger) ventured to describe as grotesque; it was that a man transported with fury, as the murderer must have been, transported with rage, and possessed of diabolical violence and force, would slash the dead man in the face in the same manner as he would sign his name on a piece of paper. Not one thing found on the Common that night was proved, or even suggested, to be the property of the accused. There was the red and black silk handkerchief. To whom did it belong. Not to Morrison. If it did not belong to Beron, it belonged to the murderer or his accomplice. It did not belong to the accused. With reference to the instruments that must have been used, what opportunity had the accused of concealing them? The prosecution had no evidence of the accused man being in possession of weapons with which the injuries could have been inflicted, unless they accepted the statement of the waiter, Mintz, as true. If they rejected the evidence of Mintz, the case for the prosecution was derelict, and the floor of the Court was littered with its wreckage. A bar of iron was not a thing a man carried about with him. Did they think that a man who was going to commit a murder would take such a weapon and give it to a waiter in the place where his

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victim was. Mintz had been an inmate of Colney Hatch Lunatic Asylum. Was the accused to be sent to his death on such evidence as that? When he (counsel) was cross-examining Mintz he was interrupted by his lordship—

Mr. JUSTICE DARLING—I did not call attention to the Criminal Evidence Act when you were asking the witness whether he had been to Colney Hatch. When you asked him whether he had not twice tried to hang himself, then it was that I suggested to you that you might be put in a dangerous position. But I told you on Saturday that I should not have ruled when the counsel for the prosecution were asking questions such as were asked to-day—I should not have ruled, as I did upon what you asked of Mintz, but what I thought I was obliged to admit those questions upon was what you asked of Mrs. Deitch.

Mr. ABINGER—I accept that, my lord, but I must say this: I might have commenced with the lunatic asylum and finished with the suicides, but the order of the evidence happened to be first of all the two attempts to commit suicide.

Mr. MUIR—There is only one attempt.

Mr. ABINGER—One attempt admitted and two suggested. If my lord had waited for me to continue that cross-examination he would have appreciated, as any one must appreciate, that I was not casting an aspersion on that man's character. I never suggested that he was dishonest, or committed perjury, or had a spite. I was suggesting he was ill. That is the state of things when Mrs. Deitch comes into the box. Two witnesses confess that they have stated on their oath—

Mr. JUSTICE DARLING—You must not say two witnesses. They are not witnesses in the sense that they had nothing to do with this trial. They were two people who gave evidence at the Police Court, but they have nothing whatever to do with the question of witnesses in regard to the Criminal Evidence Act. Nothing that you might have said about those two people would have induced me to hold that you were bringing yourself within the Act, because they are not witnesses, and the words in the Act are “witnesses for the prosecution”—that means witnesses in the case that is being tried.

Mr. ABINGER—Suppose this man had been unrepresented at the Police Court, and Flitterman had not been cross-examined, and she had come here and repeated her story—the same story that she told at the Police Court. Suppose the prisoner's counsel cross-examined Flitterman, and had said to Flitterman, “I suggest that you are not telling the truth,” my learned friend would have been entitled to cross-examine the prisoner as to his credit. If I had suggested that she was committing perjury—inventing that story—my learned friend would have been entitled immediately to cross-examine the prisoner.

Mr. JUSTICE DARLING—Where—in the Police Court?

Mr. ABINGER—Here.

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Mr. JUSTICE DARLING—No, he would have been entitled to do nothing of the kind.

Mr. ABINGER—I am afraid your lordship did not hear what I was saying. I say, if Flitterman had not been cross-examined at the Police Court, and she had given evidence here—I do hope your lordship will not interrupt me more than is necessary.

Mr. JUSTICE DARLING—Of course, if she had been called here—

Mr. ABINGER—That is what I was putting. Suppose she had not been cross-examined at the Police Court, and had gone into the box here and had sworn that she saw a £5 piece in that man's vest, then, if I had suggested to her that she had committed perjury at the Police Court, the penalty of that would have been that you are to try the prisoner, not on the facts of the case, but on the facts of the case plus—what?—that he has been prosecuted and convicted.

Mr. MUIR—My lord, the Court of Criminal Appeal has decided exactly the opposite.

Mr. JUSTICE DARLING—I hope I have indicated as much. Of course, as Mr. Abinger appeals to the jury with this—which is not, in my judgment, strictly a matter for them—you may deal with the point from your point of view when you come to address them.

Mr. ABINGER—Gentlemen, do you doubt that my friend feels the pinch of what I am saying when I am pressing the point that two witnesses called by him at the Police Court both committed perjury—as I am entitled to suggest.

The Court adjourned.

Eighth Day—Tuesday, 14th March, 1911.

Closing Speech for the Defence—*Continued.*

Mr. ABINGER, in resuming his address to the jury, said that he would at once deal with one of the central allegations in the case, namely, the assertion that the accused disappeared shortly after the murder. Now, what were the facts? On the early morning of 1st January, the day of the murder, the accused was at Snelwar's restaurant. He declared that he asked Snelwar whether he had seen a man called "The Colonial" there. Snelwar said, "Yes, he did come, and looked round, but said nothing." On the same day, according to the evidence for the prosecution, the accused was within a stone's throw of the restaurant—at Flitterman's house—and did something of a remarkable character; he was offering to cash a small cheque for £4. Therefore, they had it, not only that he showed himself in Whitechapel on the Sunday, but that he was actually in funds. He admitted that he left his lodgings, but it was proved to demonstration, and it was not disputed, that on the Sunday he went to see Florrie Dellow, and when the police went to her on the day of his arrest they found his wardrobe there. It was true he left his lodgings in Newark Street, giving the excuse, "I am going to Paris," but he had to give some explanation for leaving a place where he had been comfortable, and where he had been staying with the one witness whom it was impossible for the prosecution to disparage. If the police had wanted Morrison immediately after the murder, they could have found him walking about in broad daylight in Whitechapel. Yet he was reading the newspapers daily, and knew of the hue and cry. He did not go to the police because he was a convict on licence with a string of convictions behind him. If Mr. Muir was going to suggest that the accused disappeared, he (Mr. Abinger) declared there was not a scrap of evidence at all to support such a suggestion. Disappeared? The police wanted this man. He was in Romford Street; he was walking about the streets, walking about with Florrie Dellow to see her little boy, going to the music hall, calling on the Brodskys, calling on the Flittermans. My friend says this man disappeared. You cannot convict a man in murder cases by rhetoric; it must be facts, gentlemen, not eloquence. Was it likely that, seeing Morrison take from the waiter the bar of iron, Beron would be induced to the lonely spot where the murder was committed? The case was a mystery. There was nothing left for the jury to guess, for Beron was not drunk. If there had been evi-

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dence that Morrison had been trying to persuade Beron to go to Clapham Common, it would be a different thing, but there was not a scrap of such evidence. There was no suggestion that he was drugged. This was a point which struck at the bedrock of the case for the prosecution. And yet his learned friend had never referred to it. There was not a scintilla of evidence that the accused induced Beron to go to Clapham Common; but they had this fact, that, although the inhabitants of the restaurant were definite that the deceased man and Morrison were associates and companions, they had heard nothing of any conversation that had passed between them. The contention of the police that the two minute bloodstains—the one on the shirt cuff and the other on the linen collar—were caused by the murder was mere trash. He (counsel) did not want to throw dirt at the police. They were the finest and bravest body of men they had in this country—men who carried their lives in their hands—and he was not going to sling mud at the police; but he did say that it was absurd to put forward the theory that the man who murdered with an iron bar, who stabbed Beron five or six times with a dagger, and stooped down to cut those mystic signs on his face, after he was done to death, would have no more blood on his coat. Why, there must have been blood all over his clothes! Blood! blood! blood! If the blood found could be weighed, it would represent one drop, and no more, and yet it was suggested that the man who was charged with committing that murder, and who had thirteen collars, was walking about eight days after with the same collar, the same shirt, the same tie. It was ludicrous, farcical, pure trash.

Mr. Abinger proceeded to reconstruct the scene, describing the murderer dragging Beron's body to a place of concealment, and pointing out that a tall man like Morrison would have to bend. If he did that, could he by any possibility have avoided touching the ground with the bottom of his greatcoat? If it was on the ground, then it was in blood, and if it was in blood, then blood would be found upon it. But not a solitary spot was found upon the bottom of the coat. Where was the weapon? How was it carried away? In the pockets? No blood was found in any of the pockets. Clapham Common had been scoured, and the pond had been examined, but the weapon had not been found. The murderer must have walked away with it, but not one witness in the whole case, except Mintz, had so much as suggested that this man was ever carrying anything. The cabman did not say so. What became of it? Where was the dagger? If they could find that bar and that dagger, then they could find the murderer. If the accused had committed the crime, did not the jury think that, having a whole week in which to do it, Morrison would have taken the most careful precautions to destroy every garment which had the vestige of a bloodstain on it? Mr. Abinger submitted that that was the weakest link in the whole chain of circumstantial evidence.

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If robbery was the motive of the murder, what evidence was there that the accused had any of the proceeds? The jury were the judges. Theirs was the responsibility, and he suggested that unless they were satisfied in every direction that the case pointed to Morrison, and to him only, they were bound to acquit him. That was why he regretted so much that his learned friend had increased their labours and made them almost impossible by electing to put evidence before the Court that the accused was a convicted person. They had to try and keep that out of their minds. If Mr. Muir thought a conviction was to be obtained by parading before the jury the fact that this man had been convicted of burglary, he was mistaken. What a cold squib that was, and how it fizzled out. But how deadly it would have been if he could have proved that this man had been convicted of any offence involving violence. But there was not as much as a common assault against him. If the prosecution had a clear case was it necessary to introduce it? He admitted that they were entitled to do so; but they did not do many things which they were entitled to do. Although Mr. Muir had the right, why did he elect to let the jury know that the accused had been previously convicted, unless it was to prejudice him? He challenged and defied Mr. Muir to give any other reason. The question of blood on the clothes was a rotten link in the chain of circumstantial evidence, and when examined it smashed. The prosecution had suggested that the case was one of highway robbery. In all their lives had the jury heard or read of a highway robber dealing his victim eight blows upon the head, four stabs in the stomach, slashing his face, and then engraving a sign upon the cheeks. None of the proceeds of the robbery had been traced to the accused; on the contrary, all the bank notes on Morrison had been accounted for. There was no evidence that Leon Beron was possessed of sums anything like that. Leon Beron was a poor man; he was not murdered for his money, but out of vengeance for what he knew in connection with the Houndsditch police murders.

Gentlemen, picture to yourselves this—this man is being tried for his life. If you find a verdict of wilful murder against this man he will be executed in a very short time; that will be the result of your verdict. There is a woman living in London; there is a woman walking up and down the corridor of these Courts who is to be found to come here and to invoke the name of the Almighty and swear that she saw this man with a £5 piece—knowing it is a lie—and in a murder trial. It is appalling. You have consciences; we have consciences; has that woman? What was her frame of mind when she swore that—Cross-examination—“Did not you know that man was being tried for his life?—No.”

Mr. JUSTICE DARLING—Mr. Abinger, what do you want? Do you want the prosecution to call her or not?

Mr. ABINGER—No, my lord, I do not want them to call her; it would be a terrible spectacle.

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Mr. JUSTICE DARLING—There is no good in the prosecution calling people if you and they and everybody else know that they are only going to say what is not true.

Mr. ABINGER—I agree.

Mr. JUSTICE DARLING—And say what is not true against the accused.

Mr. ABINGER—Your lordship invites me at this moment to say what I want. May I respectfully tell your lordship what I want?

Mr. JUSTICE DARLING—Do, certainly.

Mr. ABINGER—I want that woman to be brought into Court so that the jury may see the class of woman she is. That is what I want.

Mr. JUSTICE DARLING—But you have got it established that what the woman says is not true. What is the use of looking at one liar more or less?

Mr. ABINGER—Gentlemen, I pass from that, but you won't. What my lord meant by saying one liar more or less one can easily guess. My lord must be thinking of Rosen, another liar—although, of course, not such a shocking liar as Flitterman, but another liar—the next liar—the liar in a murder case who swore that at half-past one he saw this man in the street with Beron, and then said it was a lie. That man has a conscience. He says—"I want to go to the man's solicitor; take me there." My lord says what is the good of spending all this time on one liar when this case is full of liars. Then there is the next liar, this boy—

Mr. JUSTICE DARLING—While you are telling the jury what I said I may as well mention what I really was thinking of. I was thinking of the observation of King David—not of Rosen.

Mr. ABINGER—Gentlemen, I wish I had the remarkable abilities of my lord who is able to allow his mind the luxury of dwelling upon King David when we are discussing this sordid case. Gentlemen, of course you know my lord's literary talents; I have none. Gentlemen, that is the next liar, Rosen. You remember the paper bag which was found upon the deceased man. Ward tells Cooper to go there and ascertain what sort of shop it is, and this is what Ward told you Cooper reported—"It is a sort of refreshment house." Ward tells us that that is not true; it is not a sort of refreshment house at all; it is a pastry cook shop. Cooper told Ward it was a sort of refreshment house; that would lead you to imagine that you could get sandwiches there. It is a pastry cook shop where they do not sell sandwiches; they sell arrowroot.

Mr. JUSTICE DARLING—The fact that they did not in that shop sell sandwiches does not prove that there had not been sandwiches in that paper bag.

Mr. ABINGER—I agree.

Mr. JUSTICE DARLING—You said there were no sandwiches in that paper bag because in that shop they did not sell them. There is

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distinct evidence that there were the remains of sandwiches in that paper bag, and that there was partly digested meat in the stomach of the deceased man.

Mr. ABINGER—I accept your lordship's correction, but that was not the object of my observation so much as this. I shall have to deal again at some little length with Cooper. He said to Ward—"It is a sort of refreshment house"—sort of place where you can get sandwiches. It was not. I said to Ward—"Who told you that?" He said—"Sergeant Cooper." I said—"Do you know of your own knowledge?" and he said—"No." Then when Cooper comes into the box I said to him—"What sort of place is this?" and I pressed him. He knew, of course, that if I chose I could send a clerk at once to see the sort of place it was; so he said—"A pastry shop." I did not say to him—"What do you mean by telling your inspector that it was a sort of refreshment house, and then coming here with another story?" Now, I accede to what my lord said. It is *non constat*, gentlemen—I mean to say it is perfectly possible that the deceased man bought sandwiches somewhere else. Of course it is. But ham sandwiches by a Russian Jew on a Saturday is a rather large order to swallow—Saturday—pork. Do you think Beron is the sort of man to go about eating pork sandwiches on Saturday? I suggest not. I suggest it is the very last thing that Mr. Beron would eat that night, and that an arrowroot biscuit is much more likely to be his last meal of the day. But, gentlemen, it is a matter which you will deal with. You may think that, however devout Mr. Beron was when he put in an appearance at the Synagogue on the Saturday, he would slyly put his hand in his pocket and pull out a ham sandwich—

Mr. JUSTICE DARLING—Do you say you suggest it is more likely he would eat biscuits on a Saturday night than a ham sandwich? There is the distinct evidence of the doctor that inside the stomach was partially digested meat; I do not think that he said it was pork, but meat. You are suggesting that he would really naturally eat a biscuit. Does that dispose of the sworn testimony that, as a matter of fact, inside him there was meat?

Mr. ABINGER—I am much obliged to your lordship.

Mr. JUSTICE DARLING—You must accept that. You must not say that the doctor is telling an untruth.

Mr. ABINGER—With great submission, my lord does not appreciate my point. My point is that the man had a meat supper. That is my point—the man had a meat supper. I am not going to impute that Dr. Needham, the divisional surgeon, was swearing falsely when he said he found meat in that man's stomach. That is the point I am making. He did have a meat supper, but the point I was making was that he did not call at a pastry cook shop and have ham sandwiches; he sat down and had a meat supper. Where, gentlemen? That is the

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point of these observations—where? With whom? My lord did not appreciate the point I was making.

Mr. JUSTICE DARLING—Oh, yes, I did, and I will tell you another point which you have not explained to me, and that is this—If he had the meat supper, as you say, where is it? There is no evidence that he did have a meat supper; but there is evidence that the remains of sandwiches were found in his pocket; and what occurs to me is, that if he had a meat supper, why did he get given to him, or buy, or take from somebody else, sandwiches? There is evidence that he had sandwiches; there is evidence that he had meat in his stomach; there is no evidence that he went to any place and sat down and ate a meat supper. There is evidence of two things—you will use them as you will—there is evidence that somewhere or other he got some sandwiches, of which there were the remains in his pocket, and there is evidence that there was meat in his stomach, which may be the meat of sandwiches or of supper, and there is evidence that somewhere and somehow he got some alcohol.

Mr. ABINGER—That is one way of looking at it.

Mr. JUSTICE DARLING—I mean those are the simple facts. You may look at the facts how you like, but what I have stated are simple facts deposed to and accepted.

Mr. ABINGER—These are the facts proved; that two paper bags were produced with nothing inside at all—empty—not a speck inside.

Mr. JUSTICE DARLING—That is not so.

Mr. ABINGER—Yes, with great respect—empty.

Mr. JUSTICE DARLING—No, there were remains of something which had been sandwiches.

Mr. ABINGER—No, they were empty.

Mr. JUSTICE DARLING—You say not a speck. Where is that evidence?

Mr. ABINGER—I say they are empty when they are produced in Court.

Mr. JUSTICE DARLING—Oh.

Mr. ABINGER—That is the evidence.

Mr. JUSTICE DARLING—The evidence that they are empty when produced in this Court is evidence from looking at the bags, but the sworn testimony is that when they were found in Beron's pocket they had the remains of meat sandwiches in them, and that because that sort of stuff decomposes it had to be thrown away.

Mr. ABINGER—If the shorthand note is referred to, I think it will be seen that there is not a word about any meat being found inside the bag. I put it to him very carefully. He said, "It looked as if there had been sandwiches inside the bag. I did not keep what I found, but it bore the appearance of a man putting his hand in his pocket eating as he was walking along." He never said that he saw meat inside that bag. I suggest to you, gentlemen, that if you are going to find meat undigested at three o'clock

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in the morning in the man's stomach, you must assume that he had a meal, and, gentlemen, you are perfectly entitled on this statement to believe that the man had a meal somewhere. I ask you, with whom had he it? It has not been proved that he had it with the prisoner. Where did he have it? With whom did he have it?

Mr. JUSTICE DARLING—This is what Inspector Ward said. He said, "The body was searched; one halfpenny was found upon him; in the right-hand pocket were two paper bags with the remains of ham sandwiches in them; there was very little left, as though a person had eaten sandwiches by breaking them in his pocket."

Mr. ABINGER—I am much obliged to your lordship; my memory was not very far out. I said "ham sandwiches." Gentlemen, you have heard me deal with that point, and I will pass from it.

Mr. LEYCESTER—My lord, he speaks of it again in cross-examination; he says there were some small pieces of ham.

Mr. ABINGER said he would pass from that. After referring to the evidence of witnesses, he stated that they had seen the accused and the deceased in Whitechapel, but said not one had gone into the box to say that they had ever seen them together before this night. He asked the jury to consider whether it was safe to rely upon the times given by Mrs. Deitch. Mrs. Deitch was also a liar, but she had not confessed.

Mr. Abinger next directed his attention to what had been called the strong point in the Crown's case—that Morrison himself said he had been arrested for Beron's murder before it had even been mentioned to him, and that he had said this out of "an inner consciousness." Mr. Abinger submitted that Inspector Wensley had a bad memory with regard to what transpired in that connection. If, when the five police officers rushed into the restaurant to arrest Morrison, any one of them used the words "murder," or "Clapham Common," that part of the case fell in a very flat manner. He suggested that in the confusion and excitement Inspector Wensley, or some other of the officers, used the word "Clapham," or "murder."

Next he came to what he considered the real part of the case; if that broke down there would be no case. The case turned on what they call the question of identity. Some persons were exercising the powers of identification every day of their lives. There were others who never exercised them. How often was a London cabman called upon to identify his fare? Before dealing with this part of the case it was as well to remind the jury of things that had occurred connected with identification. There was the Beck case, in which it was established that witnesses had made a mistake. It was not suggested in that instance that any one committed perjury. It was a trick of imagination. If the jury were prompted by their conscience to return a verdict of wilful murder against the accused, let not a word of his deter them from doing so. But there would

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be no chance of rectifying it—it would be too late. That was why, in a murder case above all cases, if they were invited by the Crown to find a man guilty on the evidence of identity, they were entitled to have the most ample, complete, and almost perfect evidence; and they were within their rights to refuse to act upon imperfect testimony because of the awful consequences which would follow if that evidence should be mistaken. They were entitled to say, where a man's life was involved, "You must convince us beyond any reasonable doubt of the identity of the person, otherwise we will not take the responsibility."

Counsel then alluded to witnesses who he said had done business with the accused, and yet who, when called, had been unable to identify him, although they had better opportunities of doing so than cabdrivers in the middle of the night. According to Hayman, he took up the two men at Sidney Street just before or just after two o'clock, and, timing the journey at forty-five minutes, they would arrive at Lavender Gardens at 2.42½ a.m. (He (counsel) was striking an average.) According to Stephens, the man he drove left at 3.12½ a.m., giving the murderer 34½ minutes. That is to say, he had to walk from some spot near the South-Western Police Station to the place where the murder was committed, murder the man as had been described, and then drag him to the bushes, get rid of the crowbar and the dagger, take the blood off his hands, and compose himself and make himself presentable to drive through the streets. Allowing ten minutes from Lavender Gardens to Clapham Common, where the murder was committed, and eleven minutes for walking from there to Clapham Cross, that meant twenty-one minutes from the 34½, leaving only 13½ minutes to commit the murder. It would be pretty sharp work. They could imagine the horror and fright of the murderer, and yet, according to the Crown, he walked calmly to the well-lighted Clapham Cross, exposing himself to the view of any one who might be there—and all this within 13½ minutes of the crime. But, accepting Hayman's estimate of time occupied in driving from Sidney Street, he contended that there were only nine minutes for the murder, so that the time was further reduced. Mrs. Deitch said she had seen Morrison with Beron at about 1.45 on the morning of the murder. It was eventually proved that she must have seen the man she saw after two o'clock. Were witnesses to be allowed to say one thing, and then when it had been found necessary to make a time-table, to alter it? Time was of the very essence of this case. If Mrs. Deitch was correct in the time she stated, Hayman could not have taken the men at the time he had stated. They knew that Beron was wearing a coat with an astrakhan collar, rather a conspicuous article of wearing apparel; but Hayman never noticed that. He did not doubt that the cabman, Hayman, picked up a fare. But was it the accused? Why was it that Hayman and Castlin should be able to give such an accurate descrip-

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tion of the accused when neither of them was able to give any clue to the identity of the other man who accompanied him? Once Morrison stood in the dock of a public Court charged with a monstrous crime, and once a portrait was published in the public Press in connection with the crime, any identification of Morrison was absolutely futile and beside the point. If such identification were to be accepted, who was safe? The cabman, Stephens, was the most important witness called for the Crown, and his evidence had broken down. Could they believe that he had the opportunity, on a moonless, cloudy night, of making so minute an examination that he could fully describe Morrison as he had done? In his statement to the police Stephens said he picked up a man at Clapham Cross at half-past two. Afterwards he altered that time so as to make it fit in with the cabman, Hayman's, evidence. Would the jury accept evidence of identification so amended? If they did, the responsibility would rest with them. It was to his mind appalling that a jury should be asked, on such evidence of identification, to send a man to an ignominious and hateful death when they knew that in that Court fourteen witnesses had sworn wrongly to the identification of the man Beck, although they had had infinitely better opportunities for identifying him than had the witness Stephens to identify the accused in the present case. The psychological time in the case was 9th and 10th January, when Morrison's portrait appeared in the papers, and Stephens did not come on the scene until the 10th, and he would suggest that Stephens and Hayman were together in the Police Court, and had an opportunity of conferring together. He did not believe Stephens came there to commit perjury. There was no doubt he did take up a fare, but was it not a case of "What the mind imagines the eye sees," and with the photographs and public descriptions, Stephens really believed that Morrison was the man. There could be no conviction unless the jury were convinced beyond any shadow of doubt that the identification of Morrison by the cabmen, Hayman and Stephens, was an impression on their own brains of what they saw in the flesh, and not what they saw in the public Press. There was an important discrepancy in the description by different witnesses of the man they identified. Mrs. Deitch described him as wearing a cap. When he got to Hayman he was wearing a billycock, when he got to Stephens a billycock, but when he got to Castlin it was transformed into a cap.

Mr. JUSTICE DARLING—The prisoner's own account was that on that evening he was wearing a cap.

Mr. ABINGER—Yes, that is his own account. Castlin drove the two men who got into his cab at Kennington to Tottenham, a hotbed of anarchism. The man who was escaping from a murder would naturally be anxious to get home to his bed as soon as possible. The accused lived in Newark Street, and if he went to Seven Sisters Road

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in Castlin's cab, he would be further away from his home than he was at Clapham. There was no evidence to prove that the prisoner, if he were the man, returned to Newark Street from Seven Sisters Road, and Whitechapel at that time was full of police, some of whom must have seen him on his way home in the early hours of the morning of 1st January. I make my friend a present of the information he obtained by reading a confidential document which was never intended to be used in a Court of justice at all, and ought never to have been read in a Court of justice at all. It was a breach of confidence of the most serious character. I am referring to the humble petition of prisoner during a time of penal servitude to His Majesty's Secretary of State. That is a confidential communication coming from the prisoner asking for the clemency from the Crown which is exercised, gentlemen, by our Constitution.

MR. JUSTICE DARLING—Mr. Abinger, if you say that that document ought never to have been read in a Court of justice, why did not you submit that to me at the time?

MR. ABINGER—I did not make that submission at the time, because I thought it was admissible in the evidence. I am not suggesting it was not admissible, but I suggest it ought never to have been produced.

MR. JUSTICE DARLING—Who has been guilty of breaches of confidence—the Secretary of State?

MR. ABINGER—Your lordship puts a hard task upon me. I do not suggest the Secretary of State, of course, for a moment.

MR. JUSTICE DARLING—I will not allow general allegations of misconduct against people. If you wish to accuse any one of misconduct, we wish to know what it is.

MR. ABINGER—May I respectfully invite your lordship, if your lordship will, to state whether you disagree with my view that that should never have been read here. If your lordship thinks I should not make these observations I will desist.

MR. JUSTICE DARLING—I distinctly disagree with such a comment—absolutely disagree.

MR. ABINGER—Gentlemen, I have made that offer to the learned judge. If he thinks it has been improperly produced I accept it. I must have taken an erroneous view. I thought an appeal to the Secretary of State in the nature of a confidential communication ought not to be used against a man who is standing his trial for murder.

MR. JUSTICE DARLING—The rule with regard to public offices is that they are allowed a very large discretion. They are presided over by very high officers of State, and if they object that the production of any document which comes to their offices is against the public interest the Courts will not order it to be disclosed, but if they do not take that objection, and if it is used for a perfectly legitimate purpose, and no objection is taken, then they deserve no condemnation from anybody.

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Mr. ABINGER—There is no power in the country to compel the Home Secretary to produce that petition.

Mr. JUSTICE DARLING—No, if he had taken the objection that it was against the public interest that it should be produced; but surely the Home Secretary could not say that it was against the public interest to put the jury in possession of the real facts concerning the man when the law allows that they should be put in possession of them.

Mr. ABINGER—I pass from the topic. It is well to know it. If a man sends a petition to the Home Secretary and he is afterwards prosecuted, he must be prepared to have that petition read out. He is praying to be released before his time expires, and in his anxiety to get out of prison he mentions facts which are not strictly accurate. He must be prepared to have that statement put before him here as evidence of his want of veracity, although the occasion is so different. He is serving a long term of penal servitude, and in his petition to the Home Secretary he makes statements which are not quite true. I asked to see it, and it has never been shown me. Now it is too late for it to be shown me.

Mr. JUSTICE DARLING—He admitted they were absolutely untrue, and he said he made them to deceive the Home Secretary. It does not matter what they were. We know what they were.

Mr. ABINGER—There may have been some truth in the statement. May I see it?

Mr. JUSTICE DARLING—There may have been some truth in it. Hand it to Mr. Abinger if he wants to see it. (Handed.) If you wanted a topic of lament I think you might lament that the Home Secretary did not allow him to go to Russia when he asked. Let me say that it was not this Home Secretary, so that there shall be no mistake.

Mr. ABINGER—We counsel have got quite enough to do without making comments about Secretaries of State. I pass from that topic. My friend is entitled to make the best of it. You have got my observations upon it. If they are untruths they are very venal.

Continuing his address, Mr. Abinger remarked that the Crown asked the jury to convict the prisoner of murder upon circumstantial evidence. Circumstantial evidence must point to one man, and one man alone. Was it not possible—probable—that Beron might have given information to the police with regard to the Houndsditch murderers? He would be a useful man to employ. Two men, they knew, were killed in that house at Sidney Street, but the arch-fiend of them all, Peter the Painter, was at large. He was not going to suggest that Peter the Painter committed the murder, but did not the facts of the case point to the possibility that the object of the murder was not robbery, but vengeance?

Just before I sit down, gentlemen, let us have a quiet, intel-

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lectual, dispassionate discussion. This is the theme, and I do pray your most serious attention to it. I have pointed out to you the basis of this theory, namely, that all the facts must point in one direction where you are going to convict a man of murder on circumstantial evidence. I have pointed out to you there are many circumstances in this case which might justify my suggestion to you, that the facts point to some person other than the prisoner actuated, not by a desire to rob, but by a desire to wreak revenge. Let us see, gentlemen, quite quietly and dispassionately, if the facts of this case enable us or do not enable us to make those remarks with respect to any person—any anonymous person—who may have committed this act for revenge. It must be plainly understood by you, gentlemen, that I am going to make no charge—no insinuation whatever—but the observations I am bound to make to you are directed simply with the view to seeing whether the circumstances—whether the circumstantial evidence in this case might not be made to point to some person other than Morrison. Take, for instance, Solomon Beron. If my friend Mr. Muir attempts to put upon me that I make any suggestion whatever against him, I say now he has no justification whatever for making such a suggestion, because I repudiate it here and now. I ask you to remember that if he ventures to do so. I am putting this before you *ex hypothesi*, that is to say, as an illustration that if you do not think that the circumstantial evidence points to this man, and this man alone, beyond all reasonable doubt, then he is entitled to be acquitted. I am putting these observations to you, gentlemen, in the same way as I put the observations to you with respect to some person who I suggested might have committed this act. Let me see what facts there are here to which I say these observations might apply. The motive? Who would benefit by the death of Leon Beron?

Mr. JUSTICE DARLING—Mr. Abinger, do I understand that you are proceeding upon the hypothesis that Solomon Beron may have committed this crime?

Mr. ABINGER—No, I am proceeding upon a hypothesis by way of illustration to indicate to the jury that the circumstantial evidence in this case cannot be said to be all directed towards this man, and this man alone. I am suggesting that it might point exactly in the same manner to Peter the Painter, or somebody of that description, or of that class, having committed this murder.

Mr. JUSTICE DARLING—I understood that you were going to argue that the facts might just as well point to Solomon Beron.

Mr. ABINGER—I make no comparison between the two.

Mr. JUSTICE DARLING—Then why did you mention his name?

Mr. ABINGER—I mentioned Solomon Beron's name, but I am not comparing the evidence of Morrison with the evidence which I suggest—

Closing Speech for the Defence.

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Mr. JUSTICE DARLING—Not “the evidence of Morrison,” but I thought you were proceeding to argue that the facts of this case, as proved, are circumstantial, and that they point to Solomon Beron as conclusively as they point to this man in the dock. If that is not the suggestion, let it be stated so at once.

Mr. ABINGER—The subject I was embarking upon was a matter of considerable moment, and I took pains to reduce into writing the language I was going to use, and I will say it again. “It must be plainly understood that I am going to make no charge whatever—no suggestion—no insinuation—but the observations I am bound to make to you are directed simply with the view to seeing whether the circumstantial evidence might not be made to point to some other person than Morrison.”

Mr. JUSTICE DARLING—I distinctly heard the name “Solomon Beron.”

Mr. ABINGER—“Take, for instance, Solomon Beron,” I said.

Mr. JUSTICE DARLING—Have you in mind the conduct of Mr. Charles Phillips in a certain case?

Mr. ABINGER—Yes.

Mr. JUSTICE DARLING—It is very near it.

Mr. ABINGER—I think nowhere near it.

Mr. JUSTICE DARLING—Very well. It is a dangerous line for an advocate to take. Understand me, Mr. Abinger. If you take a non-existing person and say the facts might point to a person who had the opportunity of being there, and who was there, and who knew this man, and who had such a motive, that is one thing, but you name a man by name, and you proceed to argue upon that. You may succeed in keeping it so clear that no one will suppose that you mean to suggest that Solomon Beron did it, but it will require a great deal of ingenuity.

Mr. ABINGER—Yes, my lord, I admit that. That is why I took pains to write down what I was going to say. I was going to point out certain facts which might quite improbably, certainly quite improperly, be directed toward certain circumstances of the case relating to Solomon Beron, not for the purpose of suggesting so much that this man was concerned with the murder, but for the purpose of showing how the facts in this case do not point their finger to this man and this man alone.

Mr. Abinger then brought the address for the defence to a conclusion by saying that between the accused and death there stood only the judge and a jury sworn to find a true verdict, and, in the belief that they would do so, he left his client's case in their hands.

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Closing Speech for the Prosecution.

Mr. MUIR, in the course of his speech, said—This is the view put forward by the man who says, “I accuse nobody who is not here to defend himself,” and attacks the dead man, Beron, on no shadow of basis at all. He says that Beron was known to the police, yet he never puts a single question to Inspector Wensley, who says, “I am an inspector in the East End of London. I have known the man six years.” My friend suggests against the dead man’s memory that he was known to the police as a criminal. There is no shadow of foundation laid for it in the evidence of Inspector Wensley, who was there to answer any question that could be put to him. “I am not the person,” says my friend, “to cast accusations on those who cannot answer me, and therefore I do not attack Peter the Painter.” Solomon Beron! “I ask you to say that the evidence here before you points to Solomon Beron as much as it points to the prisoner as the man responsible for his brother’s murder.”

Mr. ABINGER—I protest.

Mr. MUIR—That is the view—

Mr. ABINGER—Excuse me, I am addressing the Court. I protest against that. I made no suggestion that the deceased man was a criminal. I suggested he might have given information to the police. I made no suggestion against Solomon Beron whatever; I guarded myself as much as any counsel can from making such a suggestion. If my friend is to be allowed to say that, I ask that what I said may be repeated in the hearing of the jury.

Mr. JUSTICE DARLING—I understood you to say from your very carefully worded writing that it might be shown by a tenable hypothesis that Solomon Beron had committed the murder because the facts which would show that Morrison committed it might also be made to show that Solomon Beron committed it; but you stated, and very carefully stated, that you did not accuse Solomon Beron, but only meant it as a tenable hypothesis which you put forward for the sake of argument. It is a perfectly possible thing to do, but it is so near the line that I said—and I repeat it—I thought it very undesirable that such a line should be taken, because it is very difficult to distinguish between what is a real accusation and what is a hypothetical accusation.

Mr. ABINGER—And I obeyed your lordship. I am not complaining of that at all. My friend may attack me, my lord. If I may say so, I enjoy listening to it, but what I am complaining of is that my friend should be permitted to say that I said of that dead man that he was a criminal. I challenge my friend to produce any statement of mine in the shorthand note which may be taken to mean such an accusation.



R. D. Muir,
Leading Counsel for the Crown.

Closing Speech for the Prosecution.

Mr. Muir

Mr. JUSTICE DARLING—You did state that he was known to the police, and that Inspector Wensley, who was down there, knew him. You said that was significant; I did not know what you meant.

Mr. ABINGER—I suggested that he might have given information to the police, and that is why he was murdered, for revenge.

Mr. JUSTICE DARLING—You know, Mr. Abinger, that is the worst of these indefinite suggestions. It assumes that he might have given information about something—as I understood it—some organised society, because he had belonged to it himself. There is the “S” you know, which means “spic,” which is “spy.”

Mr. ABINGER—May I suggest this. I am sorry to interrupt my friend, but he has brought it upon himself. This is the trend of my reasoning. Leon Beron, in Jubilee Street, near an anarchist club—Leon Beron known to the police—on the 1st January information given to the police—Leon Beron murdered on the 1st January, with “S” on the cheeks, indicating revenge. He might have been an informer, but not a criminal. My friend has no justification for suggesting that I said he was a criminal.

Mr. JUSTICE DARLING—No, but he may have come in simply by a confidential—

Mr. ABINGER—The jury have heard what I have said.

Mr. JUSTICE DARLING—Yes, they have heard it.

Mr. ABINGER—I never suggested Leon Beron was a criminal.

Mr. MUIR—This hypothesis which is now put before you with regard to Leon Beron being an informer was put distinctly by me to Inspector Wensley in re-examination, and Inspector Wensley said that he never gave any information at all. He said, “So far as my knowledge goes, Leon Beron was in no way connected with those responsible for the Houndsditch murders; Leon Beron gave me no information whatever about them.” So far as the evidence is concerned, there is not one syllable or shred of evidence that Leon Beron was in any way connected with the anarchist club. But, supposing he was; supposing this was a murder for revenge directed by the Houndsditch murderers; who were the Houndsditch murderers? Russian burglars.

Mr. ABINGER—I object to this. What evidence is there before the Court to justify my friend saying that the perpetrators of the Houndsditch murders were Russian burglars?

Mr. MUIR—It is a notorious fact.

Mr. ABINGER—I am addressing my lord for the moment. I submit there is no evidence before the Court to justify my friend making that statement. Your lordship is not trying the Houndsditch murderers.

Mr. JUSTICE DARLING—You are suggesting that there is no evidence of that. I was waiting for an opportunity to call on Mr. Muir to tell me what there was.

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Mr. Muir

Mr. MUIR—My lord, any facts so notorious that the jury may be presumed to have knowledge of them may be evidence. Further, it was my friend who cross-examined as to persons bearing Russian names in connection with the Houndsditch murders. Nobody knows what the Houndsditch murderers were—

Mr. JUSTICE DARLING—I do not think I can hold there is evidence here that they were Russian burglars. It is a purely spurious objection for Mr. Abinger to take, as he has himself, wherever it has suited his own purpose, referred to the Sidney Street affair, and all about it, with considerable freedom, and even mentioned the names of people who he says are connected with it, although there is no evidence that they are. However, as the objection is taken, Mr. Muir, I do not think I can take judicial cognisance of the fact that the Sidney Street people were burglars, nor can I say there is evidence of it. Anything the jury may know I cannot help their knowing. Mr. Abinger has himself mentioned that they were anarchists and so on. You must not say that they were Russians or that they were burglars.

Mr. MUIR—No. Their names, gentlemen, were Fritz Svaars, and some other similar-sounding names.

Mr. ABINGER—My friend was trying to associate my client with it, and that is what I am objecting to. He never put a question to him about it while he was in the witness-box.

Mr. JUSTICE DARLING—Mr. Abinger, I have ruled very, very strictly in your favour. You yourself used this topic whenever it suited you; the moment it does not you get up and object, and I have upheld your objection.

Mr. MUIR—Gentlemen, all I am desiring to point out to you is that, if somebody, for motives of revenge, had Leon Beron murdered, you have to look for evidence to see who was the instrument by whom that murder was carried out. There is nothing impossible in the facts before you in the prisoner being that instrument, whatever the motive was, but, as I have suggested to you, this theory of murder for political or other motives is a false theory based upon nothing at all except a few slashes upon the face of this man, which, in my submission to you, are devoid of meaning, except the meaning that it was a murder for plunder, and that the person who perpetrated the crime of murder was cunning enough to put those slashes on the face in order to divert attention from the real motive which accompanied the murder. Having said that, I pass from that topic altogether.

The Court adjourned.

Ninth Day—Wednesday, 15th March, 1911.

Mr. ABINGER—Would your lordship allow me to make an application?

Mr. JUSTICE DARLING—Yes.

Mr. ABINGER—Before my learned friend Mr. Muir continues his address to the jury, I ask that I may be permitted to call further evidence in this case. If your lordship desires me to do so, I shall mention the nature of that evidence.

Mr. JUSTICE DARLING—Oh, no, certainly not. Who is the witness?

Mr. ABINGER—A police officer, George Greaves, 86 H Metropolitan Police.

Mr. JUSTICE DARLING—Yes, certainly.

Further Evidence for the Defence.

GEORGE GREAVES, examined by Mr. ABINGER—I am a police constable of the Metropolitan Police. I was on duty in the charge room at Lemar Street police station on 8th January from 6 a.m. to 2 p.m. I was present when the accused was brought in custody into the charge room. He said, "What am I brought here for?" A detective officer, whom I believe to be Sergeant Brogden, replied, "I told you before; you are brought here on a serious charge—on suspicion of murder." The accused then said, "All I have got to say is this, that it is not the first blunder the police have made." There was nothing more said. The accused was standing about 1 yard from the desk in the middle of the charge room, and I was standing close up to the desk. There were other two or three police officers present. I can only point out one—I believe his name is Sergeant Brogden. [Shown Detective-Sergeant Brogden.] That is the police officer who was present and made the statement to the accused. The accused was then taken down into the large association cell at the end of the cell passage. I went down to that cell and saw him there, and two police officers standing by at the door, P.C. 368 H (Staff) and P.C. 168 (I believe Harris). [Shown Police Constable John Harris.] I believe that is the second police officer, but I am not absolutely certain. The door of the association cell was wide open, and those two officers were close by the door. One may have been in the cell, but I think one was outside in the passage. The association cell is about 16 yards from the charge room. I do not think that either Harris or Staff was present in the charge room when Brogden made

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the statement to the accused to which I have sworn. I have no idea who the officers were who were on duty in the charge room. I sent a telephone message that morning on the instructions of a man in plain clothes, whom I believe to be a detective constable, but whose name I do not know. The entry in the police telephone book of that message is as follows:—"From Police Constable (C.I.D.) Jeffries, at Leman Street, to D.D. Inspector Ward, Brixton. Please come to Leman Street at once, 9.28 a.m."

When did you first make the statement that you have just sworn to in the witness-box to any one?—About 12.30 this morning.

Had you before that written anything?—Yes, I wrote a letter to you (Mr. Abinger) at 4 a.m. on Tuesday. I wrote that letter in my bedroom at 65 New City Road, and it was posted about 5.30 a.m.

Did you give authority to Morrison's counsel to use this letter if he thought fit in the interests of justice?—Yes, I did. (The letter and envelope were put in and marked exhibits 82 and 82a).

Mr. JUSTICE DARLING—Gentlemen, this is the envelope. It is marked "Confidential. Mr. Abinger, K.C., counsel for the defence of Steinie Morrison, Central Criminal Court, Old Bailey, London, E.C." It has got a post-mark, "London, E., 8.15 a.m., Mar. 14th, 1911," on one side, and "London, E.C., 10.5 a.m., Mar. 14th, 1911," on the other. This is the letter—"Tuesday, 14th March, 1911. 4 a.m. Strictly confidential. To Mr. Abinger, K.C. Sir, on the day that Steinie Morrison was brought in custody to Leman Street Police Station I was on duty in the charge room. 'On reserve,' as we call it. A few minutes after Morrison was brought into the station, and while in the charge room he said to a detective (I think his name was Brogden), 'What am I brought here for?' The detective replied, 'I told you before; you are brought here on a serious charge—on suspicion of murder.' Morrison replied, 'All I have got to say is that it is not the first blunder the police have made.' Shortly after this Morrison was placed in the association cell under the guard of two uniformed constables (I believe P.C. 360 H, Staff, and P.C. 168 H). That was where I last saw Morrison. If it was after Morrison was put in that large cell at the end of the passage guarded by the two police constables that he is alleged to have spoken of murder, I state that I heard murder mentioned to him (as before stated) before he was placed there, and soon (perhaps ten minutes) after he was brought into the station. Shortly after the above related circumstances happening I went off duty. It seems to be implied that Morrison was not sought after for murder, yet on the day of his arrest, and before the arrest, a telephone message was sent as follows from Leman Street police station:—"From P.C. (C.I.D.) Jeffries, Leman Street, to Divisional Detective Inspector Ward, Brixton. Please come to Leman Street at once." I sent this message by order (on police telephone), and it is recorded in full in the police message book. To me this message suggests a very

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strong connection between Mr. Ward's murder case and the impending arrest of Morrison. I am not sure of the time the message was sent. It was, however, that morning. I appeal to you, sir, to guard my interests should you deem it necessary to take any action in consequence of this communication, for if the Commissioner of Police should discover I had sent this letter to you it would probably cause my instant dismissal from the police service, so, if possible, do not let this communication be known to have passed from me. Should you require my evidence, and I hope you will not, you could ask for the attendance at sessions of all the constables who were on reserve duty in the station at the time Morrison was brought in to see whether they heard anything; that would include me. However, I prefer to remain out of the case if not absolutely required. I feel compelled to write this to you in the interests of justice, as it seems to be stated in evidence that 'murder' was not mentioned to Morrison a short time after his arrival at Lemn Street police station, and I know it was, for I heard it as related. I write solely with the object of giving fair play to Morrison, so please treat this letter as strictly confidential if possible. Yours faithfully, George Greaves, P.C. 86 H, Metropolitan Police, residing at 65 New Road, Whitechapel, East." Now, gentlemen, I think I ought to state publicly (there is going to be no mistake and mystery about it) this is an investigation not to establish this or to establish that proposition, but it is an investigation to find out if possible whether that man is guilty of what is alleged against him, and when these matters were brought to my notice (and that is the reason for the delay that took place this morning) without any kind of putting responsibility on anybody else, I ordered that whatever may be the consequences either to this officer or to any other officers, or to anybody at all, all this should be made public in this Court of justice.

Examination continued—I was on duty last night in Whitechapel Road. I received an order to attend at Lemn Street police station, and a sergeant fetched me, and I arrived about fifteen minutes after midnight or thereabouts. I made a statement in the presence of Sir Melville Macnaghten, Assistant Commissioner of the Criminal Investigation Department, and to Mr. Abinger. There was no one else present in the room. Questions were put to me by Mr. Abinger, and they were written down by Sir Melville. That examination concluded somewhere about half-past one this morning. Sir Melville read out to me what I had stated, and I signed it. Exhibit 83 is the statement.

Cross-examined by Mr. MUIR—It was between five and ten minutes after the accused was brought into the station that I heard the statement about murder made to him. The inspector in charge of the station at that time was Inspector Mackenzie, but he was not in the charge room. I think it was about one o'clock in the day when the accused was brought in, but I am not very sure about the

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time. (Police Officers Jeffries, Brogden, Dessent, Inspectors Mackenzie, Staff, Harris, and Berringer were brought into Court.) I do not remember whether Constable Harris was in the charge room when the statement about murder was made to the accused. I do not remember whether Police Constable Staff was in the charge room. Inspector Mackenzie was not in the charge room; I have no idea where he was. Sergeant Brogden was in the charge room; he was in plain clothes. The first thing I heard him say to the accused was, "Why don't you sit down?" The accused then said, "What am I brought here for?" And then Sergeant Brogden said, "I told you before. You are brought here on a serious charge—on suspicion of murder." That is all that Sergeant Brogden said. The accused replied, "All I have to say is that it is not the first blunder the police have made." Nobody else said anything after that.

Did the accused ask "What murder"?—No.

Did Sergeant Brogden say what murder?—No.

In your hearing did any one say what murder to the accused or in his hearing?—No. I do not know whether Sergeant Dessent and Detective Berringer, whom I now see, were present. Inspector Wensley was not present. I do not know whether Detective Constable Jeffries, whom I now see, was present.

Were there any other officers besides Sergeant Brogden in plain clothes there?—I am not sure about that. I think there was one in plain clothes and one in uniform, but I am quite uncertain about it. I have known Sergeant Brogden for, I think, six months. He has been at Lemman Street police station occasionally during that time. I believe he belongs to the same division as I do, Whitechapel Division.

You have known him for six months?—Well, I knew that the gentleman was a detective sergeant, but I do not know much about him. I do not know whether he reports to a superior officer at Lemman Street. I do not know whether he goes there constantly. For months I did not see him at all. I do not remember how often I saw him in the week before 8th January. I have known his face, but not his name, for six or twelve months. It is this way—we get to know the names of the detective officers in the division—we get to know their faces, but we do not know which face belongs to which name.

In your statement that you made last night did you say that the accused said it to a detective whom you believed to be Detective Sergeant Brogden?—Yes, I was sure of the man, but not sure of his name. I cannot name any police constable except Sergeant Brogden who was present when this was said. I have known Detective Sergeant Dessent's face for quite twelve months, but I have only known his name for a few weeks. I believe he was in my division, but I do not know what his station was. I believe that Detective Constable Jeffries was in my division. I knew him as a detective, but I did

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not know his name. I have not seen him very often at Leman Street police station. I never saw Berringer before to-day to my knowledge. I do not know whether he was at the police station on 8th January.

Except Detective Sergeant Brogden, can you name anybody who can either confirm or deny the statement you are making now?—Yes, the accused. I do not remember reading counsel's opening statement at the Police Court.

Do you remember reading anywhere at the very commencement of this case it was stated that the accused was the first person to mention murder in connection with his detention?—Some considerable time, I think, after the Police Court proceedings, I heard some people saying that the police said that the accused spoke about the murder before the murder was mentioned to him. I do not remember hearing that until something like five or six days ago. I did not read much about the case while it was on at the Police Court. I first spoke of this conversation that I heard between the accused and Sergeant Brogden to some police officers about two or three days ago. I would rather not mention these officers, because I cannot mention them with any absolute certainty. I think one of them was 209H—Heiler.

Where were you when you spoke to him?—In the street, I think—Whitechapel Road.

Mr. JUSTICE DARLING—Let Heiler be telephoned for, and not be informed by anybody what this witness has said.

Mr. ABINGER—I do not object in the least.

Mr. JUSTICE DARLING—It is not a question of anybody objecting. I am giving directions as to what is to be done in this investigation.

Mr. ABINGER—Does your lordship think this is the occasion when this matter should be thoroughly sifted as to which particular policeman he spoke to, or whether it should form the subject of investigation afterwards?

Mr. JUSTICE DARLING—As you have asked me, I think that it should be investigated while this trial is undecided, and not after it may have been decided and possibly have ended one way or the other in a miscarriage of justice. I will have no more discussion on it.

Cross-examination continued—I think I spoke to Heiler on two nights—the Sunday and Monday nights—but I am not sure of the date.

Did you speak to any other officer?—I have talked about this matter a little to several police officers during the last two days, but I do not remember them. We have gossiped about this case.

About what?—About what happened in the charge room.

About what Sergeant Brogden said to the accused, do you mean?—Well, I have not used Sergeant Brogden's name.

But about that being said to the accused about "murder" by

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some police officer?—I have mentioned it to some—I think to about three.

Within the last two days?—Yes; Monday night and Tuesday night.

Do you tell the jury that having done that within the last two days you cannot name the officer to whom you spoke about it?—I cannot remember.

Is that what you say on your oath?—I do say that. They would be officers upon beats coming in contact with my beat. Besides the police officers, I have also spoken about this matter to a man belonging to the Salvation Army who performs duty in the Salvation Army Headquarters, Whitechapel Road. I do not know his name, but I know his face well; he seems to be a night watchman. I saw him last night and the night before, and I may have mentioned it on a previous occasion. I think Monday night is the earliest date on which I spoke to that man. I might have spoken of it on the Saturday night, but I cannot remember.

Do you tell the jury on your oath that you spoke to this man on Saturday night about what was said in the police station?—I do not remember. Besides him I also spoke to Lewis Zavitski, a barber's assistant, living at 65 New Road, where I also lodge. I spoke to him about the matter yesterday. I am not sure whether I mentioned it before that. I also spoke to his mother, Mrs. Annie Zavitski, yesterday, and also probably about three days ago; but I cannot remember. I do not remember speaking to anybody else about it.

Can you swear positively you have not spoken to anybody else about it?—I have said as much as I can say about it—that I do not remember speaking to any one else about it.

What made you speak to these people about it?—One likes to talk sometimes to people that one lives with, and to officers with whom one works.

Was that the only reason for mentioning it to these people?—Yes, that was the only reason.

Did you regard it as being important?—I thought it was rather an important matter.

When did you think it rather important?—As soon as I first heard that there was a dispute on the point—I think about five days ago.

An important matter to the accused?—Yes.

As possibly affecting the verdict of the jury?—Yes, but there is one thing I should like to say about that, that although I had heard people say that this point of contention had arisen, I did not see it in the newspaper, and, therefore, I did not take any action—waiting until I should see it in the newspaper. When I saw it there I decided to take some action.

When did you see it in the newspapers for the first time?—

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Yesterday morning. I saw it in the *Star* and the *Evening News*, in my lodgings, about 3.30 in the morning. It would be Monday night's edition, 6.30. I also had a cursory look at the *Star* in Fieldgate Street about one o'clock in the morning. I had looked at papers occasionally before, but I did not see sufficient to justify me in taking any action.

What is the ordinary course of duty when you are reporting a matter concerning a criminal case that you think is of importance to an accused person?—Well, as a matter of duty, strict duty, I think it should be reported to the officer on duty at the station to which I belong.

Did you do that?—I did not.

Why not?—For one thing, there was no time to go through such formalities, or it appeared so to me.

Any other reason?—Well, I was not sure that it was necessary for me to give any evidence, and I therefore submitted the matter to Mr. Abinger.

With the request that your name should be kept out of it. Why did you want your name kept out of it?—I did not want to interfere in this matter unless it was absolutely necessary.

But why did you want your name kept out?—For that reason, that I do not wish to enter into a case of this kind unless I am absolutely required. I prefer to be outside these cases.

This is a matter of importance to the accused, who is on trial for a crime. Why did you want your name kept out of it?—I was not absolutely certain that it was of importance to the accused, and although I heard that he had mentioned "murder," I did not know whether he mentioned it before he came to Leman Street Police Station or not. In fact, I did not thoroughly understand the case.

Was that your reason for not reporting it to your superior officer?—Yes, I did not see that it was really necessary.

By Mr. JUSTICE DARLING—You had a reason, had you not?—It is this—I do not like to interfere in this way until I feel that it is absolutely necessary.

You are in the police force, and so is Brogden, and so are the others. Had that fact anything to do with your not mentioning it at the police station, but writing to Mr. Abinger?—No.

Cross-examination continued—I have been in the police force for seven years and nine months, and I have been removed four or five times from one division to another. I began in the L Division, and then went to the Public Carriage Branch in New Scotland Yard. I know ex-Inspector Syme. He was working with me at Scotland Yard. I have not seen him during the last eight months, but I have sent him about two letters. The last one would be about a fortnight ago, and I received a reply, but I do not have it with me here. This case was never mentioned between me and Mr. Syme.

Is ex-Inspector Syme the man who has been attacking the police

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in a newspaper called "*P.I.P.*," accusing them of corruption and giving false evidence?—Yes, I believe so. I have read those articles. Mr. Syme is a man who was dismissed from the police.

Is he the same man who was prosecuted at Bow Street for threatening the late King?—Yes.

Mr. ABINGER—Does your lordship think that it is necessary now to inquire into ex-Inspector Syme's conduct? This man has sworn that he had no communication with him about this case, and he has not seen him for eight months. I think there must be some limit to this cross-examination.

Mr. JUSTICE DARLING—This cross-examination is addressed to show that this witness was corresponding with Syme, not about this case, but that Syme is a man who makes it his business to attack the police and to accuse them of giving false evidence, which is exactly what this witness has come here to do. I therefore think the cross-examination is perfectly relevant.

Cross-examination continued—Ex-Inspector Syme has written a pamphlet complaining about his dismissal from the police. I have read that pamphlet, but I do not have a copy of it here.

Have you yourself been suspended for making a false accusation against a superior officer—a police sergeant?—Not exactly that. I was suspended for making accusations of general oppressive conduct on the part of my sergeant which I was unable to prove.

And were you suspended upon the ground that your accusations against your sergeant were unfounded?—I think not. It is a matter of routine to suspend a man making a complaint against a superior officer if the complaint is serious. It was this way—I volunteered to give evidence in favour of a constable who had been reported for misconduct, and my evidence was against the sergeant in the case—Sergeant Napper. I was reported on a second charge at the same time for making untruthful statements when giving evidence in the superintendent's office.

Evidence on oath?—Oh, no.

Were the accusations found to be untrue by the tribunal which heard them?—That is what the discipline board said—at least that in respect of the first charge it was not proven. With regard to the second charge, the charge of making untruthful statements before the superintendent, I was severely reprimanded and strictly cautioned and transferred to another division. This took place in June or July, 1909.

Was your charge against Sergeant Napper one of oppressive conduct?—It was.

Towards his constables?—Towards me. I also alleged that other constables complained of such conduct, and that statement was considered to be untruthful.

It was investigated?—In a way it was. I named these other constables, and they were ordered to attend at the office.

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And did they deny the truth of what you had said?—In the superintendent's office they did deny it, but in speaking to me one of the men admitted it.

On your oath, when was the last time you saw ex-Inspector Syme?—To the best of my remembrance it would be about nine months ago—an accidental meeting in a shop in Pimlico. It may be that the shopkeeper sent for Inspector Syme; I am not sure. I think the shopkeeper's name was Jones, and he dealt in oils and groceries; but I forget the name of the street. I remember seeing Inspector Wensley at Leman Street Police Station on the morning of 8th January, after the arrest of the accused. I had part charge of the telephone that day. Inspector Wensley was not using the telephone to my knowledge. He would generally use the telephone from his own office.

If you are in charge of the instrument, can you hear what is being said in the inspector's room?—It depends what plugs are used.

Did Inspector Wensley come out of his room and find you interfering with the plugs and complain about it, and reprimand you about it?—No, he did not. I have never tampered with any plugs on any telephone. It is possible that Mr. Wensley might have come to the telephone box and complained of being cut off before he had finished his conversation.

Do you swear that Inspector Wensley did not on that Sunday morning come out and speak to you about the way in which you were interfering with the plugs?—He certainly did not.

And I put it to you that at that time Inspector Wensley was speaking with Sir Melville Macnaghten on the telephone?—I do not know. I cannot call to mind any occasion in January last when Inspector Wensley was speaking on the telephone with Sir Melville Macnaghten.

On that morning after the accused was in custody, did Inspector Wensley leave the police station, was he sent for, and did he come back again?—I do not remember.

After Inspector Wensley came to the station on that day for the second time did Inspector Mackerzie call you and the other officers into the charge room?—I do not remember it.

And did he ask you all whether anybody had spoken to the accused about a charge of murder?—So far as I know, he did not ask any such question. He did not ask me whether anybody had spoken to the accused about a charge of murder, and I did not tell him that I had not, nor did the other officers say the same thing in my hearing or to my knowledge.

Is that false?—That is absolutely false.

By Mr. JUSTICE DARLING—He did not ask me any such question, and I did not hear him ask any others such a question.

You swear that he asked you no such question?—I do swear that he asked me no such question.

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Cross-examination continued—Since the committing of the Houndsditch murders have you not sent a large number of letters to Detective Inspector Wensley about those murders?—I have sent him statements of what I have heard concerning the murders.

Did you say in those letters that you had got the information from people in the house where you were living?—In some I did say that.

Mr. ABINGER—One moment—my learned friend is cross-examining the witness about a letter. I submit that the witness is entitled to see that letter.

Mr. JUSTICE DARLING—Oh, no! Certainly not. It may be ultimately shown to him.

Mr. ABINGER—I submit that if you are cross-examining a man about his own letter he is entitled to see it at the moment he is being cross-examined about it.

Mr. JUSTICE DARLING—No, not at the moment he is being cross-examined about it.

Cross-examination continued—I said in some of the letters that I got the information from a certain person in the house where I was living.

Did some of those letters make definite accusations against named people?—Yes, they did.

By Mr. JUSTICE DARLING—You say that you got that information from a person in the house where you were living. Who is the person?—It would be very much against the interests of that person if I were to name him.

That does not matter. Who was the person who gave the information?—Charles Lazarus Zavitski.

Cross-examination continued—Has any action whatever been taken upon any of the letters that you sent to Detective Inspector Wensley?—I do not know.

Have any of the persons you named in those letters been arrested?—I do not know.

By Mr. JUSTICE DARLING—You would have heard, would you not, if the persons you yourself had named had been arrested?—I do not know the names, except one name.

Has he or she been arrested?—Not under that name—not as far as I know.

Cross-examination continued—I do not remember up to what date I continued sending those letters to Inspector Wensley. The last one was about a week before the "Peter the Painter" pictures came into the newspapers. I should think about two months ago. I asked Inspector Wensley whether I was to send him any more information by letter.

And did the detective inspector tell you that, so far as he was concerned, the correspondence must cease?—He did not tell me that. A detective told me that in Mr. Wensley's name.

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Did you read the evidence in the Houndsditch murder case?—Yes, I have read most of it, but not particularly carefully.

When you made your statement last night did Sir Melville Macnaghten say to you, “ If this letter is true, and written in good faith, I can assure you that your professional career will in no way be affected ”?—He did.

With the exception of that statement to you, was the examination conducted entirely by Mr. Abinger?—Yes. I do not think that any questions were put to me by Sir Melville Macnaghten.

Re-examined by Mr. ABINGER—Do you appreciate that in making this statement that you have made you are making an imputation upon a superior officer?—Yes, I understand that.

What compelled you to write that letter at four o'clock in the morning to counsel representing the accused?—Simply because I considered it my duty to any man that is accused to give any evidence in my power in defence of that man. That is why I wrote it.

Has any inducement been held out to you by anybody to give this evidence?—No, none whatever. No one knew that I was going to write to you.

Did Lazarus Zavitski or Lewis Zavitski hold out any inducement to you to induce you in any way to write that letter?—No. No one has ever offered me any inducement. I regarded it as my duty, and I am trying to do it.

Has ex-Inspector Syme held out any inducement or had anything to do with inducing you to write that letter?—No.

Or any one else?—No one else whatever.

You have been asked whether a number of men who were paraded were asked whether the charge of murder had been mentioned in the hearing of the accused. Had any instructions been given in the police station in your hearing as to whether the charge of murder should be mentioned or not?—No, not in my hearing or to my knowledge.

Then if your answer is correct, and if Detective-Sergeant Brogden did make that statement to the accused, so far as you knew he was disobeying no order?—I considered that he was only doing his duty. I think that Detective-Sergeant Brogden gave the accused the usual caution; but I am not quite certain about that. I think he said, “ And anything you say may be used in evidence against you ”; but not being quite sure about that I did not mention it before.

Is it or is it not usual on arresting a man on so serious a charge as murder to tell him so when arrested?—I do not know what may be usual, but whenever I arrest a man on such a charge I should tell him what the charge is.

Suppose you were arresting a man on suspicion of murder and for not notifying his address, what would you tell him then?—I should certainly tell him that I was arresting him on suspicion of murder.

By Mr. JUSTICE DARLING—Where is the order that tells you to do

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that?—The Commissioner's order, to the best of my knowledge, is that when a person is arrested for any offence he shall be told for what offence he is being arrested.

Yes. Now, then, what you have just said is that if you arrest a man for the offence of not reporting himself, and you have suspicion that he has committed a murder, you will tell him you are arresting him on suspicion of having committed a murder. Would you do that?—No, I should not. I did not understand the question.

Re-examination continued—Did you know before you wrote that letter to counsel what Inspector Wensley said he did in fact say when he arrested the accused?—Yes, I read in the newspaper that Inspector Wensley said "I want you."

Do you think in writing that letter to counsel you were advancing your prospects in the police force?—

Mr. JUSTICE DARLING—That is not an admissible question. What the witness thought is not relevant.

Re-examination continued—What was your object in writing that letter?—That the accused might have fair play. I had never seen the accused to my knowledge until he was brought into Leman Street Police Station, nor do I know any one connected with him. I believe Sergeant Brogden belongs to the H Division. There are about 540 uniformed constables in that division, I believe, and a proportion of sergeants and a number of detectives in addition. Sergeant Brogden is a detective officer and wears plain clothes all day.

Why did you make up your mind to write to counsel on 14th March and not before?—Until that morning I had not seen in print anything which would justify me in taking that action, although I had heard some vague rumours.

Further cross-examined by Mr. MUIR—There are copies of the Police Informations available for every officer to see. What is shown me is a Police Information of 16th January, 6.30 p.m.—"Wanted for petty offences, No. 303, licence holder, Maurice Stein . . . for failing to reside at his registered address; caution; carries fire-arms and may attempt to use them." I did not see that at the time. I have not seen it until now.

Is it a regular practice for those informations to be read out in the station by the inspector?—Some of the informations are read usually. That information may or may not have been read; I may or may not have been on duty that day.

Further re-examined by Mr. ABINGER—Did you read in the paper when my learned friend opened this case that he said the charge of murder must have evolved from Morrison's own inner consciousness?—I read something about that in the newspaper quite recently. I should like to make a short statement in explanation of the letters which I am alleged to have written about the Houndsditch murders. They were hardly letters. They were rough notes. Soon after the Houndsditch tragedy I happened to hear a great deal about it. It was gossip that I heard—it was not in the papers—and I thought it

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might afford a clue to Inspector Wensley and be of some use to him if I gave it to him, and so I gave him a report of what I had heard, thinking it to be in the interest of the service. Mr. Wensley promised me that he would never let any one know where he got the information from, or where I had got it from. He said, "If you hear any more, write it down on paper, put it in an official envelope, and address it to me." I simply carried those instructions out. Not hearing any more from Inspector Wensley, I at last asked him whether he still required such information, and I received a message from a detective which said, "Mr. Wensley thanks you very much for the information you have given him, and he will not require any more. Probably he will see you to-morrow." That is the explanation.

CHARLES HEILER, examined by Mr. ABINGER—I am police constable 299, of the H Division. My duties take me to the neighbourhood of Leman Street Police Station.

Cross-examined by Mr. MUIR—I know Police Constable George Greaves. Last night and the night before my beat has come near Greaves' beat.

Has he spoken about this case while you were on duty during either of those nights?—Yes. He asked me whether I had followed the papers closely, and I said, "Well, I have seen them; I have been looking at them every day." So he says, "Do you know what was said about the prisoner—whether he made a statement about a murder before there was anything said about it to him." I said, "Well, so it says in the papers." He then said to me, "Well, if they say that, I know different, because I was on reserve at the time when they brought the prisoner in. They told him to sit down. He did not sit down; he came to the desk, and when told to sit down again he said, 'All I want to know is what I am being detained for.' He was then told by one of the C.I.D. officers that he was wanted on a very serious charge—on suspicion of murder. It was then that Morrison said, 'You have made some blunders, but no blunder as big as this,' or something to that effect. This was said to me on Monday night, and it has not been repeated to me since. I took very little interest in it, and I do not know that I made any answer, nor do I recollect whether he made any further observations. He did not say anything about giving evidence or giving information as to what he knew. I believe I spoke to Greaves on Sunday night or Monday morning, but I do not think he spoke to me about this matter. I think that was the first occasion on which he spoke to me or I spoke to him, except last night, when he came back after he had been called to the station, and said to me, "I have got to go to the Central Criminal Court to-morrow."

Those are the only two occasions on which he spoke to you about this matter at all?—As far as I can remember.

Re-examined by Mr. ABINGER—I was brought here from the station by a gentleman, but I do not know who he is. I have had

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no communication whatever with any solicitor, counsel, or clerk representing the accused.

Mr. JUSTICE DARLING—Mr. Muir, will you resume your speech?

Mr. ABINGER—Before my learned friend does that I have a submission to make to your lordship.

Mr. JUSTICE DARLING—I had forgotten, Mr. Abinger. You have a right to address the jury upon this new evidence, but it must be confined to that.

Closing Speech for the Defence—Continued.

Mr. ABINGER—It shall be very short. May it please your lordship, gentlemen of the jury, there is a maxim as old as the hills—“Truth will out.” Almost at the last minute, at the last hour, a letter is received by counsel and communicated immediately to the highest police official in the country, Sir Melville Macnaghten. A gentleman worthy in every way to occupy his high position takes prompt steps, putting aside all questions of personal convenience, attends in the middle of the night at a police station in a repulsive part of London, and proceeds himself to secure the attendance of a police constable without there being any possibility of any other person knowing his name. He found that police constable patrolling Whitechapel at midnight last night, and he required that police constable to come to the station.

Mr. JUSTICE DARLING—Mr. Abinger, the Zavitskis are here now—all three of them. Do you want to ask them anything?

Mr. ABINGER—No, my lord. I will put them in the box if my learned friend would like them.

Mr. JUSTICE DARLING—Very well, then they may go away.

Mr. ABINGER—Gentlemen, I admit it takes a great deal to surprise a counsel who has been practising as long as I have been, but I was surprised when my lord asked me if I proposed calling any further evidence and my friend did not ask leave to recall Detective-Sergeant Brogden, so that I might then, with the knowledge which I had not then, have cross-examined him.

Mr. MUIR—My friend is entitled to do that without an invitation from your lordship.

Mr. JUSTICE DARLING—Of course he is.

Mr. ABINGER—May I express my thanks to my friend, Mr. Muir, for telling me that. Of course I know that. But it is a very long way from the point I am making. The point I am making is this: it is to be supposed that Brogden does not know the charge which is made against him? Are you to suppose that my friend does not appreciate that it is a serious charge striking at the bedrock of his case? Does he wait for my invitation to put that witness in the box—I, counsel for the prisoner—to call into the witness-box a

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witness for the Crown? Does he do what I did then? Without any possibility of knowing what the man was going to say, I called Greaves into the box. Why did not he call Sergeant Brogden, the witness for the Crown?

Mr. JUSTICE DARLING—How can you say that you called Greaves without knowing what he was going to say?

Mr. ABINGER—I mean Heiler.

Mr. JUSTICE DARLING—When you had had written down by Sir Melville Macnaghten the whole of his questions and answers?

Mr. ABINGER—It was a *lapsus lingue* which I should have thought was pretty apparent.

Mr. JUSTICE DARLING—Before Mr. Muir addresses you, gentlemen, I think it just as well to say what I had made up my mind to say to you from the time that Mr. Muir opened this case, and it is this. This point which has recently been represented to you as though it were the critical and crucial point of the whole case, is to my mind one of the very smallest points in it. The point is whether before he had been charged with murder the defendant assumed that the charge against him was murder, and was so stated. The words have been used over and over again. “Mr. Muir has said he evolved that from his inner consciousness.” What I intended to say to you in my summing up—I will say it now, and if I remember I will not say it again—was this, that it did not appear to me to be at all unnatural if he said it. Assuming he said it, it did not appear to me at all unnatural that a man who is being arrested while in a restaurant, and has no definite charge made against him, and arrested close to Sidney Street where those murders had been committed, and arrested within a few days of the Clapham Common murder, which was notorious to anybody in that district, because Leon Beron had lived there—it did not appear to me to be at all unnatural that a man arrested without explanation should assume, with nothing said, that he had been arrested for one or other of those murders. I had meant to say that in my summing up, and I say it now in the hope that it may save a lengthy reply to what in my mind is a much too long-drawn-out episode in this case.

The FOREMAN OF THE JURY—May I say that—

Mr. JUSTICE DARLING—No, no, gentlemen. Don't you say a word. Juries should never express any opinion except by their verdict. Take my word for it.

Closing Speech for the Crown.

Mr. MUIR—May it please your lordship, gentlemen of the jury, before my lord addressed to you the observations which have just fallen from him, it had been determined by those responsible for this prosecution that our duty in this matter in this issue was abso-

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lutely clear, and that was to ask you in any verdict that you might return unfavourable to the prisoner not to take that episode into consideration at all.

Then it is said—it is rather surprising that it should be said, but it is said—that there is no evidence that the prisoner was ever seen outside Snelwar's restaurant in company with Leon Beron. That is surprising for two reasons. Firstly, that there is the evidence of Weissberg and Zaltzman that he was seen outside Snelwar's restaurant at half-past seven on the night of 31st December.

Mr. ABINGER—My friend will pardon me, but that is not what I said. I said there was no evidence that these two men were seen in that man's company on any other night than the 31st December.

Mr. MUIR—My memory has misled me as to what my friend said. The prisoner's account of his finances is this—"I received from my mother first of all a sum of £15; secondly, a sum of £20; in all, £35. I won at gaming on the 1st December £38, and paid £3 of it to the croupier, leaving me £35. I had saved at Pithers, £4." Those are capital sums amounting to £74. What became of that money? We know that on the 30th November and the 2nd December he spent something under £30, according to his own account—probably under £25—he called it £30. There is a capital sum of £44 left. What became of it? We have no account of what became of that £44. "Further than that," he says, "I was earning an honest living, selling cheap jewellery, and making £2 a week at it, and in addition to that I was making some money in the changing of cheques for people in the East End." Gentlemen, he is living in a lodging at 3s. a week, and he is getting his meals at Snelwar's restaurant, the miserable accommodation of which establishment is the basis of my friend's argument that Leon Beron, getting his meals there, could not have possibly had any money. What became of that money of the prisoner's, his £2 a week plus his earnings as a cheque changer? Gentlemen, you have only to examine those figures to see that the prisoner's account of his finances is a false account.

The PRISONER—It is not a false account. I can give a proper account, but I have never been asked. I can give a full account of every farthing.

Mr. ABINGER—I think my friend's figures are erroneous, for this reason. The evidence was that in the early part of November he received from his mother £20. He was asked if he had received other moneys from his mother, and the witness, as he then was, replied, "Yes; before that I received £15." There it stopped. He was not asked when he received that £15, and my friend, without any evidence, I should submit, is—

Mr. JUSTICE DARLING—Are you addressing me or the jury?

Mr. ABINGER—Your lordship.

Mr. JUSTICE DARLING—But you were looking straight at the jury. I can hear you better if you will turn towards me.

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Mr. ABINGER—I apologise. My friend is therefore without any evidence suggesting an admission on the part of the prisoner that he received from his mother £15 in the month of November or December. I challenged—

Mr. MUIR—I have not made that observation.

Mr. ABINGER—I beg your pardon. His own account was that he had £15 from his mother, and he had £20 from his mother, which makes £35. He had £4 saved up. That makes £74, with the £35 he won at faro.

Mr. MUIR—I did not say that he received those sums in November. I did not say that at all.

Mr. JUSTICE DARLING—No.

Mr. MUIR—The time here, gentlemen, is fixed. The prisoner was released from prison on the 17th September, and the dates, therefore, with which we are dealing are dates between 17th September and 2nd December. Gentlemen, I therefore submit to you that the prisoner's account upon the face of it is a false account of his finances. . . . The prisoner says, "At half-past eight I left the restaurant. I went to the Shoreditch music hall. I entered there about nine o'clock, getting a seat for 1s. There I saw Jane Brodsky and Esther Brodsky in the same row of seats as myself."

Mr. ABINGER—I am sorry to interrupt my friend, but my witness did not swear it was 1s.; he said he gave half a sovereign, but whether he received 8s. 6d. or 9s. as change he would not swear.

Mr. JUSTICE DARLING—Yes, but the Brodskys said they entered for 1s. He was called after the Brodskys, and was asked the same question, it being a point made that nobody could have got in for less than 1s. 6d., and he said he could not remember what he paid, because he put down half a sovereign, and he did not know whether he got 8s. 6d. or 9s. in change.

Mr. ABINGER—Yes, but that does not justify my friend saying—

Mr. JUSTICE DARLING—Please, Mr. Abinger, I have said what the evidence is. It is no good making remarks, and it is out of order to do so.

* * * *

Mr. MUIR—Why does that bolt shriek? Because it has never been used. Is it conceivable that if that bolt was used habitually by these people, with children sleeping in that house, that a drop of oil or grease would not have been put upon it to facilitate the bolting, and to lessen the noise? But no—shriek—fit to wake everybody in the house—such a shriek as could be heard by the neighbour in the street next door. That is the bolt in the house which is selected by the prisoner to live in—a man carrying on, as I shall suggest to you on this evidence, the profession, the business, the calling of a professional burglar—a professional burglar sleeping in lodgings. The story is that the landlord and landlady said he

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waited for him every night until he came home to bolt him in with a shrieking bolt which he cannot undo without everybody in the house hearing it.

Mr. ABINGER—Is my friend endeavouring to suggest that my client is a professional burglar? Is my friend entitled to suggest to the jury that this man is carrying on the business of a burglar, without any evidence whatever? I submit that there is no evidence whatever in support of that suggestion.

The PRISONER—I have got evidence to prove against it.

Mr. JUSTICE DARLING—He has proved that this man was twice convicted of burglary.

Mr. MUIR—Three times.

Mr. JUSTICE DARLING—He has been twice sentenced to penal servitude for the crime of burglary, and it is proved that he came out on the 17th September, and he is on ticket of leave.

Mr. ABINGER—And——

Mr. JUSTICE DARLING—One moment, if you please—that he worked as a baker for a certain time; that he left that place, and then established himself at Newark Street.

Mr. ABINGER—He has been selling cheap jewellery.

Mr. JUSTICE DARLING—He sold cheap jewellery. It is argued that he had no more than this amount of money. There is no evidence that he was at this time committing burglaries; but Mr. Muir is perfectly entitled to make the suggestion that the man was a burglar by profession, and that he was living in this place. He cannot point to any definite burglary that he was then committing, and he does not attempt to do so.

Mr. MUIR—Gentlemen, in my view to you the last place in the world that would be selected by the prisoner as a lodging, if everything that Mrs. Zimmerman says is true, and if everything that Mr. Zimmerman says is true, would be that house. . . . Hayman says, "I gave that description from no newspaper," and I assert to you upon the documents that have been produced and examined here, no newspaper exists which contains——

Mr. ABINGER—My friend must not say that. It is in evidence. The description is in the 5.30 edition of the *Evening News* of the 9th. The 5.30 edition contains the verbal description, and the 6.30 edition contains the portrait. They are both in evidence.

Mr. JUSTICE DARLING—Whether they are in evidence or not, just hand them to Mr. Muir. (Exhibits 43 and 44 handed.)

Mr. MUIR—Gentlemen, that is the newspaper (handed) from which I read, while Hayman was in the box, the description pointing out what was in and what was not in the newspaper. Here are two portraits which Hayman saw of the prisoner. Where do you find "Height 6 feet"? Where do you find "Age thirty-five"? Where do you find "Heavy grey striped overcoat" in that portrait, or in any description in the newspaper?

Mr. ABINGER—No; I do not suggest you do in that one, but you

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do in this one. This is the 6.30 edition of the 9th January, and it says, "The accused man is a tall man of foreign appearance," &c. (Counsel read the description.) That has a portrait of Morrison with his hat on, below it.

Mr. MUIR—You have got both before you. In my submission to you—you are the judges of it—it is not the same description at all. It is a description of the same person—yes, but not the same language—not the same description. Gentlemen, that is the description he gave on the 10th January, and he picked the prisoner out on the 17th January, which was the very first date upon which the prisoner would be at the Police Court, where the identifications almost invariably take place—they never take place in prison.

Mr. ABINGER—There is no evidence of that. I object to my friend saying that. He could have called evidence as to that, and I was waiting for it, but he did not do so.

Mr. JUSTICE DARLING—Do you suggest that Hayman could have identified him at any other time?

Mr. ABINGER—I suggest he ought to have had an opportunity of identifying him sooner.

Mr. JUSTICE DARLING—It is not a question of what he ought to have had.

Mr. MUIR—That was the time, at the Police Court, when Hayman identified him. Stephens sees there lying on the table the *Evening News* of the previous night, and says, "I have seen the photograph of Steinie Morrison in the *Evening News* of yesterday's date, and I identify it as the man I picked up at Clapham Cross."

Mr. ABINGER—In my friend Mr. M'Gregor's note, which is before me—if it is wrong it can be put right by looking at the shorthand note—what he said was this, "I went to the police on 10th January. I had seen notices in the cab yard. I look at exhibit 15. That is the notice I saw. I saw it on the 9th, Monday night."

Mr. MUIR—What is my friend doing? Have I misstated anything?

Mr. JUSTICE DARLING—What is it that Mr. Muir has said which is inaccurate?

Mr. ABINGER—My friend has said that Stephens told the jury he had not seen this portrait before he went to the police station, but I can point out that he said he saw it before.

Mr. JUSTICE DARLING—Where? Is it in cross-examination?

Mr. ABINGER—Examination-in-chief. The passage commences—"I went to the police on 10th January. I had seen notices in the cab yard. I look at exhibit 15. That is the notice I saw. I saw it in the yard on Monday, and I went to the police next morning. I saw the portrait on the same morning before I went. I did not recognise it."

Mr. MUIR—It was not this portrait at all. This (indicating) is the one he recognised.

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Mr. ABINGER—He saw a portrait before he went to the police station.

Mr. JUSTICE DARLING—A portrait.

Mr. ABINGER—"I saw a portrait before I went to the police station." That is all the note says. What was it, then, if it was not the portrait of this man?

Mr. MUIR—He saw no portrait that he recognised before he saw this *Evening News* at the police station. Gentlemen, that is Stephens' evidence.

Mr. JUSTICE DARLING—Here is what he said, "I did not see the *Evening News* on the 9th January. I never saw it until I went to Brixton."

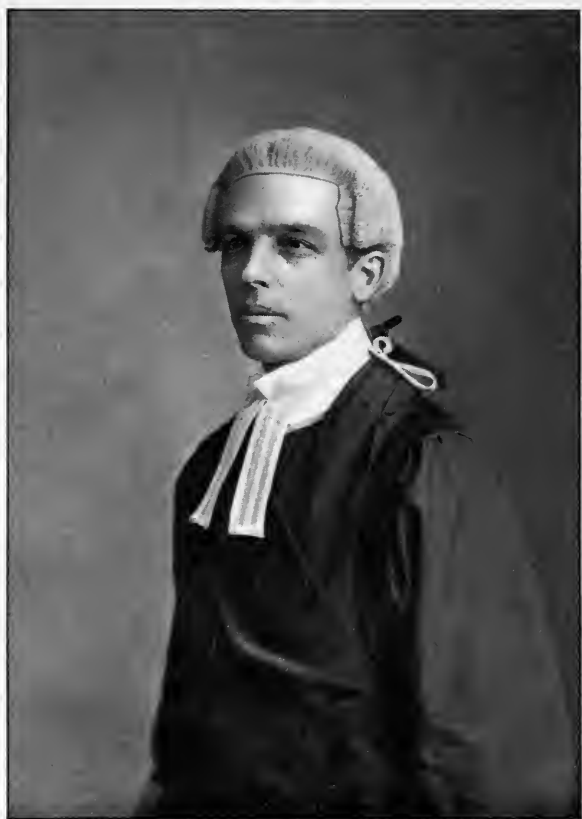
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Mr. JUSTICE DARLING—Gentlemen of the jury, you are here, as you know, trying a man of foreign nationality for the murder of another man of foreign nationality. I know not how in his own country he might be tried, but you will try him, of course, strictly according to the law of England, which, if it differs from the law of other civilised countries, errs always on the side of mercy. It requires more proof, it certainly gives greater advantages to an accused person, and it requires this, that, in order to get a conviction you should be satisfied of the guilt of the accused beyond reasonable doubt, and also that the jury which tries him should be unanimous, which is not the case in many other countries.

Now, gentlemen, I need detain you, I think, but a comparatively short time in what I have to say. A great deal of evidence, it is true, has been given in this case; but you have heard every point put and put again, commented upon by Mr. Abinger for the defence, and within the last few minutes by Mr. Muir for the prosecution, and I cannot suppose that there is any point in this case upon which you are not by this time fully informed as to what is proved, and as to the argument used upon each side with regard to it.

A good deal in this case is beyond dispute and is not contested. It is beyond dispute that in the very early hours of the first day of this year, somewhere about three o'clock in the morning, probably, Leon Beron was killed at a point on Clapham Common, upon the asphalt path close to those bushes which you have seen yourself; that his body was dragged in there, and there left. That is beyond dispute. It is beyond dispute, too, that death was due to murder, and to nothing else. Then, if you can ascertain who killed him, that person is guilty of the wilful murder of Leon Beron. There is no dispute about that.

How was he killed? He had about him many, many wounds, several of which were in themselves sufficient to cause death. He had a blow upon the head which must have felled him instantly to the



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ground, and which in the opinion of those, the doctors, who saw the dead body very soon after his death, was of itself sufficient to kill; his skull was fractured in two places; but beyond that he had received a variety of stabs about the body from a long knife.

Now, gentlemen, it may be that he was killed by one man only; but it is quite possible that more than one man was engaged in this murder. Two weapons undoubtedly were used upon him, one of which was a blunt, heavy weapon. The doctors say, "Something like a bar of iron might have done it." One of them thought the bar would probably have some sort of angle about it; something like a thing which is hexagonal, or octagonal in shape, might have inflicted them. Neither of them thought that the thing which caused the wound was a hammer. A claw-ended hammer was suggested to the doctor who was called for the defence. He thought it must have been something with a right angle about it, such as a hammer would have, but he had nothing in the world to go by except a photograph, and his evidence, therefore, is not the evidence of persons who were in such a good position to judge as were the other two. He explained his theory to you. I leave it there, content that you shall judge it. But that some instrument, be it a hammer or be it a bar of iron with angles or round, was used upon the head of Leon Beron, again is uncontested. That may have been used by a different man from the man who gave the stabs. If Leon Beron was the man who was driven by Hayman to the top of Lavender Hill with one man only, whether it was the prisoner or somebody else, then they were joined by another man, or the other man was waiting on Clapham Common at the place to which he was taken, and there he was set upon and killed. Now, gentlemen, whether there were two or not two men we do not know, but if two men were employed upon that murder, either the man was waiting there, if the prisoner was the man who went with Leon Beron in the cab, or else Beron did not go with the prisoner in the cab if the other man went with him; the assumption of the prosecution is that Beron went in a cab with one man only, and that man was the prisoner.

Now, gentlemen, beyond this, as to how the murder was caused we are absolutely in the dark. We know nothing of the motive. That he was robbed there is the best of reasons for supposing, for he always wore a watch and chain. Every one agrees with that. When the body was found he had no watch, he had no chain, he had nothing upon him but a halfpenny, a tobacco pouch, and a couple of bags with small remnants of sandwiches in one of them. Therefore, you may very well come to the conclusion that robbery at all events entered into the motive. Mind, it may not have been the exclusive motive. There may have been other reasons for killing Leon Beron of which we know absolutely nothing. It is suggested that it is the work of some secret society, and that the cuts upon the face show it. I am not going to give my opinion about it. It

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is not for me to express an opinion about matters of fact. I can only say that any one who sees the figure "S" in either of those scratches has either better eyes or a more vivid imagination than I can possibly claim to possess. It is for you. Killed he was, for whatever reason.

Where do we know for certain that he was? We know for certain that at 11.50 he was at the corner of Sidney Street, Whitechapel. That we know beyond dispute, because we know from the evidence of the prosecution—people who were at Snelwar's restaurant—that he left Snelwar's restaurant about 11.45, and we know from the evidence of the prisoner himself that he saw him at the corner of Sidney Street. According to his own statement, the prisoner left Snelwar's restaurant at that time, 11.45, or within a few minutes of that—the same time as Leon Beron left it. At the corner of Sidney Street Beron said to him, "*Bon soir*," and he said, "*Bon soir, monsieur*," and he says that is the last time that he ever saw Beron.

Now, gentlemen, I am going to deal very rapidly with this, for this reason. The prosecution have called a great deal of evidence—Mintz, Hermilin, Taw, and others—to show that on that night the prisoner and Beron were on intimate terms in the restaurant, and it is said they left it together. The prisoner says, "No, that is not true; I was not in the restaurant that night." He says he was at the Shoreditch Empire on that night, that he came out of the Empire at twenty minutes past eleven or half-past eleven, walked up to Snelwar's restaurant, looked in, had some very light refreshment (he forgot what it was), and then left immediately, and, having said "*Bon soir*" to Beron at the corner of Sidney Street, went home to bed, and never left his room till next morning. I give the go-by to all the evidence of the Brodskys and to the evidence of the people at Snelwar's restaurant, because, as to the bearing upon what has happened in Snelwar's restaurant, Mr. Muir has lately addressed you, and Mr. Abinger has also fully dealt with it; but upon the point of where he was and where Beron was at 11.50 on that night, they were close together, and they were speaking to one another. Where did they go? He says he went home and went to bed. Zaltzman, Taw, and Weissberg all say that they saw him and Beron about the streets in that neighbourhood long after, up till nearly two o'clock in the morning. Mrs. Deitch says the same; that she saw him some time after one; she very vaguely fixes the hour. She says she saw him and Beron walking along together. She knew Beron, but she had never seen the prisoner before. She described how he was dressed—wearing a smart cap, and so on. If you believe those people, why then the whole *alibi* which he called the Zimmermans to prove is gone; it cannot exist. But the question you must ask yourselves is this—Are you sufficiently convinced by the evidence of Taw, Zaltzman, Weissberg, and Mrs. Deitch that when they say

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they saw him they really did see, not some other man, but that man with Beron long after twelve o'clock at night—somewhere between one and two o'clock, up to very nearly two o'clock? If you are convinced of that, why then the prisoner stands, you know, convicted of having told you an absolute untruth as to where he was—that he was at home all night—and it is inconsistent absolutely with the evidence of Mr. and Mrs. Zimmerman. Although they may not know how inconsistent it is, it is inconsistent with their impression that he never was out from the time he came in that night. Of course, if you regard it as proved, that he was walking about at the time spoken to by Zaltzman, Weissberg, Mrs. Deitch, and Taw, why then, one of two things must have happened; either he did not go home that night, and the Zimmermans are saying what is not true, or else he did go home, and, for some reason or another, very soon afterwards let himself out of the house unknown to the Zimmermans, and rejoined Beron. But that last alternative seems a curious hypothesis, because it would involve this, that Beron was walking about the streets alone, as far as we know, waiting for him. Of course, he may have been doing it, but it involves what is to my mind a violent hypothesis, and one which perhaps you are not very likely to adopt.

Beron, that night after he left that restaurant, got something to eat; he got some ham sandwiches. I mean to say, he ate them; I do not say he procured them afterwards, but he certainly did somehow eat ham sandwiches after he left that restaurant. There can be no manner of doubt about that. I do not say ham sandwiches, but he ate the meat and bread which were found undigested in his stomach after his death. He took some alcohol. There is no evidence of where he got it. Some slight remains of ham sandwiches were found in his pocket, and from that it is suggested (it is not proved) that he must have purchased a ham sandwich after he left the restaurant.

There is no explanation of where he got that. Now, you must take it that no witness for the prosecution says that he saw the prisoner go with him to any kind of refreshment place. No one says that they ever took such things away from Snelwar's restaurant. There is no suggestion that with the prisoner he ever got hold of ham sandwiches or of alcoholic drink.

Now, what is the next thing we know? We know—I suppose we know for certain—that at two o'clock in the morning a man hailed Hayman somewhere by Gardiner's Corner. Hayman is of opinion that that man was the prisoner. Two men got into Hayman's cab. The suggestion of the prosecution is that Beron was one. It is not certain that Beron was one, but it may well have been, because I think you may take it for granted; seeing that old Beron was at about twelve o'clock at night at the corner of Sidney Street, that he undoubtedly was murdered somewhere about three o'clock in the morning as far as we can tell, and he did not get to the place where

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the body was found by walking at that time of the night, being of the age and build that he was, you would consider it not to be at all improbable that Beron was driven to Clapham Common that night. Well, then, Beron may have been one of the men driven by Hayman, but it is not certain that he was. Hayman does not identify Beron anything like so distinctly as he identifies the prisoner. I will not deal at this moment with the question of identification. Hayman drives him and takes him at about two o'clock—he could not be certain to minutes—he drives two people (no one says he did not drive two people) from Gardiner's Corner to Lavender Hill by Lavender Gardens. No one disputes that one of the men who told him to go there said, "Put me down near the Shakespeare Theatre." Supposing Beron was one and the defendant was the other, which was Hayman's opinion, what would happen then? If the time taken was the exact time which Stephens took (Stephens took thirty-eight minutes) it would be about twenty minutes to three, as they left Gardiner's Corner a little before three or a little after three, when he got the men, whoever they were, to that point near the Shakespeare Theatre, or wherever it was Hayman put them down. Now, gentlemen, walk from there to the place where the body was found. You have done it. It is said by the police witnesses who walked it that ten minutes would be the ordinary time to walk it in, but you can correct that by your own experience because you walked it. That would bring him there, you see, at about ten minutes to three. Now we know it takes, according to the evidence for the prosecution (here, again, you can check it by your own experience) eleven minutes to walk from where the body was found up to Clapham Cross. At somewhere about three o'clock in the morning Stephens says the prisoner got into his cab to drive back. Therefore the time (of course, nobody pretends these minutes are accurate) in which that murder was committed is very, very short; it is a very few minutes at the outside. That is one of the reasons, gentlemen, why I suggest to you that perhaps the hypothesis that only one man did it is not the true hypothesis, and why I suggest to you that the fact that two weapons were used to bring about the man's death may well point to there having been two men present differently armed.

Now we take up the matter. At somewhere about three o'clock Stephens says he picked up the prisoner. I am not going to comment upon it, as you have heard it commented upon over and over again. I am giving you, gentlemen, just an outline which I hope is distinct, because I think it will assist you more than if I go too much in detail into it. Many people do not remember in commenting upon evidence that you may do it in such a way that, as was said very wisely and picturesquely at the end, "You cannot see the wood for the trees." It is said by Stephens after he has corrected his evidence (you must use your own judgment as to whether he legitimately corrected it, or whether he corrected it because he is the perjurer that Mr.

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Abinger says he is, who has arranged his evidence to suit another man for the reasons you have just heard given), according to him, going by the time the staff tram left, he left that place at Clapham Cross at about three o'clock. By that time Beron would have been dead somewhere about ten minutes. He drove to Kennington—a place near Kennington Church—Hanover Arms, and I think, if I remember, the whole time which has been taken from Clapham Common to the rank by the church and back to Cleveland Road, and then trotting and walking the horse to the Elephant and Castle, is 16½ minutes, so that it does not take—

Mr. MUIR—No, eleven minutes to the Hanover Arms, and then 16½ minutes.

Mr. JUSTICE DARLING—I am obliged to you. It took eleven minutes from Clapham Cross to the Hanover Arms. There he puts down the man whom he has driven from Clapham Cross. He said that before he put him down he had heard some one call, but could not find that person. He went back and looked about. You remember how he went and trotted the horse, and then walked his horse down to the Elephant and Castle. He put up, after that, for the night. The man he had driven got out by the Hanover Arms, and Stephens saw him no more. At this time it must have been somewhere between three and a quarter-past—something like that. Almost immediately Castlin, who is on the rank at Kennington Church, is hailed by two men. Whether another man who had been engaged in this murder who had left by another route had got back just before the man driven by Stephens, or whether a man who was expecting the booty and was the man to dispose of it, was waiting there, or however it may have been done, we do not know, but just after Stephens had dropped one man, and just after Stephens had heard another man call, two men engaged Castlin, paid him 7s., I think it was, and told him to drive to Tottenham—to Seven Sisters Road. He did not tell him to drive to Tottenham; as a matter of fact, he drove them to Seven Sisters Road. These three men, with varying degrees of certainty—Hayman, Stephens, and Castlin—all swear that the prisoner was the man who was in Hayman's cab, in Stephens' cab, and in Castlin's cab. Of course, he says he was not. But if you come to the conclusion that he really was, of course, it becomes very difficult for him to explain why he was in that neighbourhood unless he was engaged in that murder. Ask yourselves—whether he was the man or not, are you satisfied that the man who was driven by Stephens, and by Castlin afterwards, away from the scene of the murder, was the murderer, or one of the murderers—a man who had been engaged in it? Are you satisfied of that? If you are not satisfied of that, then there is no necessity to ask who he was. But, suppose you are satisfied of that, then comes the question, was it the prisoner?

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The prisoner says he was in bed and asleep. Those three men say he was not in bed asleep; they say, just as Jack Taw, Zaltzman, Weissberg, and Mrs. Deitch say, he was not in bed and asleep when he says he was. They say he was not in bed and asleep when they were in Whitechapel. These three men say he was not in bed and asleep when they were driving up this road and coming back.

Here really comes, to my mind, the deciding point of the case. If he were the man, how can you account for his being out there and denying that he was out there—not saying, “ Oh, yes, I can give you this reason why I was there; I had gone for this, that, or the other reason.” How can you account, if he was the man who was there, for his being there unless he was either the sole murderer or a participant in the murder (in which case he is equally guilty) of Beron? Therefore, at this point it becomes very necessary to ask yourselves—are you satisfied—beyond reasonable doubt, mind, not, do I think on the balance of probabilities; that is not it—are you satisfied beyond reasonable doubt that that is the man who was in Hayman’s cab, in Stephens’ cab, and in Castlin’s cab on that night?

Stephens has been attacked, and he has been called a perjurer. So many people have been called perjurers by Mr. Abinger that Stephens has no right to pride himself on that; but the others have not. Now, mind, these men may be perfectly honest, and they may be mistaken, or you may not be able to make up your minds as to whether they are mistaken or not. If you cannot make up your minds whether they are mistaken or not, he is entitled, as the defendant, to a verdict of not guilty. I do not want to speak for myself, but, think for yourselves. With what certainty can you, do you think, swear to a man whom you saw on a night like that, by the kind of light that there was at these places which you have seen? Can you feel certain that a man would not be mistaken, and that he is not mistaken? You have heard the description that they gave. Suppose you had got that description, could you, from the description alone, if you had a dozen men, of whom the prisoner was one, before you, have picked him out? Do you think you could? You remember what they were. I do not mean the evidence given afterwards when they pointed him out, but the statements that they made as to his being “ tall ” and “ medium complexion,” and so on. What is a “ medium complexion ”? That is the kind of evidence. Do you think from that description you could have picked the man out? I think, myself, it is a very difficult thing to describe a man. Suppose I look at a man in Court, and am asked to write down a description of him, do you feel certain, if I did write it down, that you could pick him out from other men in Court I do not know? They gave a description. Let us assume they gave it to the best of their ability; let us assume they were honest. Even then, are you so certain that they really took notice enough, that they had opportunity enough, to be able some days afterwards to swear with

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certainty to the man they had driven, and to swear with certainty that he was the man when they saw him again?

Now, gentlemen, something has been said about the means they had of identifying him before they gave their evidence, and it certainly is to be regretted (I do not reproach these men at all, but it is to be regretted) that they had the means, if they chose to use them. Apparently one of them did use them, and honestly said he did; he saw the paper with the man's photograph lying on the desk when he went to the police station; but, before they picked out the prisoner at the police station, they, each of them, had the means if they used them, and certainly one of them, innocently enough, if you like, did use them, and the others may have done—they had the means of knowing what was the personal appearance of the man they were going to identify. Gentlemen, strong language has been used about this photographing of people and the publishing of photographs. You yourselves have made a protest which must by this time have reached the authorities against the indiscriminate snapshotting of those engaged in such a trial as this. There is no necessity to point out the inconveniences, and possibly the dangers, of such practices as that, but it is a far graver thing when people are permitted to take photographs of accused persons who have not been identified, and who are yet to be put up for identification by those who are to give evidence against them on their trial.

Gentlemen, sitting here where I know one's words are heard beyond the limits of this Court, I am not going to indulge in a condemnation of the Press for publishing those photographs. There must be a measure observed in this as in other matters. In many ways the Press by publishing descriptions and by publishing even photographs can help, and does help, and notoriously has helped, to the identification of persons who are suspected of a crime; but it is quite another matter after a person has been arrested and is awaiting his trial that anybody should be permitted to take his photograph, to reproduce it, and to publish reproductions of it all over the place so that they may be seen by possibly uncertain witnesses, who will thereby be persuaded to come forward and swear to identification which they would not otherwise have done, or they may possibly (that is not suggested in this case) come before malicious witnesses who may come, and for some of those reasons which we cannot fathom but which we know do influence people, will swear to a man as to whom they have no certain knowledge. Gentlemen, in this case I think it is to be deeply regretted that those photographs of the prisoner were published when he was merely an accused person on remand on suspicion of having committed this crime. It is perfectly obvious the damage which it has done for the prosecution. It may possibly have frustrated the whole ends of justice; it is quite possible, and because it is so I think I need say no more than this, that it becomes imperative that the authorities at the Home Office, who are

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the proper persons, should consider this matter, and should consider whether regulations which would require probably an Act of Parliament must not be made in order to prevent the repetition of a practice which may possibly tend to the casting of great doubt upon the evidence of perfectly honest witnesses by showing that they had other means of identifying the prisoner—who, when he is put in a row with others, is supposed never to have been seen by them before—than the mere sight of him at that time as on the first occasion.

Gentlemen, I pass from that and I come to a matter which I had meant to deal with, and which I had overlooked—I should have dealt with it before this last matter. It is the question of the blood upon the prisoner's clothing. It was suggested at first that the blood upon his clothing was the blood of Beron, the murdered man. That it was the blood of a man is not disputed. He has accounted for its getting where it did; but, gentlemen, I do not know how it strikes you—mind, I express no opinion—I throw this out merely for your consideration—when it is said, “Would you expect blood to be upon the murderer a week after the murder; when he had every opportunity of getting rid of it, would you expect him to leave a single drop of blood upon anything that he wore?” I suppose the answer expected by the defence is, “No, you would not.” I think it is not doing much violence to suppositions to say that that would probably be your answer, “No, you would not.” But, gentlemen, if he was the murderer, whoever the man was who took Castlin's cab and went up to Seven Sisters Road and walked, as far as we know, to some house or another there, because he did not come back again, but got out, and he wanted to go to Seven Sisters Road, had very ample opportunity of destroying every bit of clothing that he had got about him if it were necessary; nothing would have been easier. If that was the murderer, and he was with another man who was an accomplice of some sort, nothing would have been easier than for him to get rid of his shirt, his collar, his necktie, and everything. Therefore, when you say this blood is not the blood of the murdered man—well, suppose it is not; there were opportunities if that was the murderer who went to Seven Sisters Road of getting rid of that before the murder was seen by any witness in this case. If it were the prisoner, if Mrs. Zimmerman and Mr. Zimmerman, and the woman who lived next door, are telling the truth, he was back at between nine and ten o'clock in the morning—at all events, back; (he says he was at Zimmerman's, and never left there); he was at the back washing himself at the tap, and so on. If that is so, he had come back somehow or other from Seven Sisters Road. Mr. Abinger said to you—and I thought said with great force—if that is so, it is curious that nobody noticed him coming back from Seven Sisters Road. It is a long way. There are many streets to pass through, and no one noticed him. No one did, and yet on the supposition that he was

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the murderer, and he went in Castlin's cab, he did go to Seven Sisters Road, and he did come back, and was back early in the morning.

Now, gentlemen, I have almost finished what I have to say to you. If there is any point which you think I have overlooked upon which you wish my guidance, if you will mention it to me, I will address myself to it.

Now, we come to some considerations as to the defence. The evidence of the defendant you have lately heard summarised very accurately by Mr. Muir as to what he was doing, where he went when he left these premises, why he left them, and so on. Gentlemen, there is no doubt about it, the evidence leaves much to be explained. All that about the revolver, and so on, is very suspicious, gentlemen, but you know you must not convict a man on one suspicion; you must not convict him on a thousand suspicions; you must not add a thousand suspicious circumstances together and say, "that is proof." No, you must find somewhere a solid anchorage upon which you can say, "I am secure of this basis." Some things he did which damage his defence to my mind very much. There, again, you must not let that prejudice you. It is difficult to preserve a perfectly clear and even mind in favour of a man if you can see that that man had said before you in the box what is not true, and if he has called evidence of other people which you believe to be false. Suppose you come to the conclusion that he never did go to the theatre on the 31st, then the evidence of all those people at Snelwar's restaurant rises up strong against him, but yet he may have been at Snelwar's restaurant; they may be telling the truth and he may be telling a falsehood; he may have come out with old Beron, and he may, as he said, have left old Beron and gone home. It may be that he did say "*Bon soir*" to Beron and leave him and go home, and yet it may not be true that he had been to that theatre at all. The fact that a man calls a false alibi, calls false witnesses, does not necessarily or by a long way prove that he is guilty. I do not comment upon it, but it may be that you are satisfied that he was not at that theatre with those two Brodskys, but that is no proof of his guilt. It may be that you have come to the conclusion that the evidence they gave is false. It was evidence which they did not give when first interrogated. They spoke at first about being there on the Monday. Jane Brodsky never told the police that she saw him on the Saturday, and would not tell them. You may come to the conclusion that that is a fabricated alibi, fabricated by him or for him, and sworn to falsely by the Brodskys. You may think it is demolished and blown out of Court by the evidence of Hector Munro and by its own inherent improbability, but, supposing you do come to that conclusion, why, even then, he may not be proved to be guilty—he may be guilty, and never proved to be guilty; he may be guilty as a fact, and he may not be proved to be guilty. Let me give you this caution (I think I am justified in giving it to you, although there is no evidence of it in this case; I submit it

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to you as a thing you know for yourselves), this man is a foreigner, those Brodskys are foreigners, apparently Polish Jews; they are Polish Jews or Russian Jews. He was a Jew when he was writing that letter to the Home Secretary; he said he was a Hebrew then, and that his name was Petropavloff. Ask yourselves, do you or do you not know that it is very common among people of certain classes and of certain nationalities if they have got a good case not to rest upon that good case? If you have ever talked to anybody who has administered justice in India you will know that there, if they have got a good case, they are not content to rest upon the good case, because they are convinced that perjured evidence will be brought against them, and that in order to overthrow the perjured evidence, which they suspect will be brought against them, they themselves procure perjured evidence to defeat the case which will be made by the other side. Gentlemen, I make that observation, as you see, in favour of the prisoner, to suggest to you this, that if you come to the conclusion that this alibi is false, you should not judge it then as strictly against him as if it had been produced by an Englishman, because if you know yourselves that there is that habit and that likelihood where foreigners are engaged, you are bound to give him the benefit of every doubt, and you are bound to give him the benefit of that doubt among others.

Now, gentlemen, as to dealing with the evidence in this case, I have done with it. There is evidence (I cannot say there is not) for you to consider, and carefully consider, as to whether this case is plainly made out against that man so that you may say he is guilty of the murder of Leon Beron; but before you say he is guilty you must be convinced that the evidence can only be explained upon the assumption that he is guilty. If upon any part of it which is necessary to the deciding of his guilt or his innocence you have a reasonable doubt, you must decide it in his favour. You know without my telling you a reasonable doubt means such a doubt not as some people "conjure up" about anything, but such a doubt as would influence a man in his own ordinary daily affairs.

Gentlemen, in one part of our country there is the power of giving another verdict besides that of "guilty" or "not guilty." It is possible in Scotland to return a verdict of "Not proven." An English jury cannot do that, but for all that, if they come to the conclusion that the case is not proven, although they may not say "Not proven" aloud in Court, they give what is after all an equivalent verdict. If it is "Not proven" they must not say, "Oh, it is not proven, but we find him guilty"; they must say, "It is not proven; therefore we acquit him."

Now, gentlemen, I have dealt with the case, I think, with sufficient fulness to enable you who have attended as you have, as every one acknowledges you have—so thoroughly to every point in this evidence—I have dealt with it in such a way, I think, as to

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direct your attention to the necessary matters in order to enable you to come to a conclusion in this most serious case. Consider it, gentlemen, attentively and carefully. I know you will. And remember what I have said, that it is the characteristic of English justice that we do not seek to avenge a crime; we do not seek upon balance of probabilities to say, "Some one must be held responsible for this"; we only seek to find out by our methods, our strict rules and methods of evidence, whether the accused person is proved to be guilty, and if he is not proved to be guilty there is only one verdict which an English jury is permitted to give. Gentlemen, you consider it. If the case is proved, I know you have fortitude enough to act upon your conscientious judgment and to say that he is guilty; but if you are not satisfied you know your duty, and I am sure you will do it.

Mr. MUIR—Your lordship indicated that with regard to the question of previous convictions you would address some observations to the jury by way of caution.

Mr. JUSTICE DARLING—I am much obliged to the learned counsel for the prosecution. I did say that I would refer to the question of previous convictions. You know what the previous convictions of this man are. It has been perfectly well explained to you that he might have stood here and no one would have known of those previous convictions had not his own counsel made it necessary—I think it was absolutely necessary—for the counsel for the Crown to bring out what was his true past history. That was done because he insisted, and his counsel insisted, upon an attack upon the character of a witness, possibly of more than one witness, for the Crown, an attack which brought the defence into the position that they had lost the protection given to the prisoner by the Criminal Evidence Act of 1898. If it had not been for those attacks you would have known nothing about this. He has only himself and those who have conducted his defence to thank for the fact that you know what you know about him.

Gentlemen, I did say that I would give you a word of caution, and I am obliged to the learned counsel for the prosecution for reminding me. It is right—the Legislature has said it, and you and I must not question it—that in these circumstances, although in no others, a jury should be informed of the past criminal career of the accused; but, gentlemen, the caution I meant to give you is this. It must not be allowed to prejudice or warp your judgment, and, believe me, no one is more conscious than I am of the danger that such knowledge as you now have should warp the judgment not only of you but of myself. It is almost impossible to put as good a construction now upon the most innocent thing that that man may do as it was when you believed him to be an unconvicted man. But, gentlemen, bear in mind that the only use to be made of these previous convictions is to show that when you have to rely upon his word as contradicting something stated by somebody else, or as alleging

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something which is not corroborated, you have not the word of a person who has done nothing wrong, who has never told any lie, and who has never broken the laws of England; you have only the word of a man whose past career has been what you know it to have been. Mr. Muir has indicated to you that he felt bound to go into the matter. I think he was bound to go into it for another reason, as to the capabilities of the prisoner—and it has a bearing upon that—the capacity or not of the prisoner for getting into or out of a house without making as much noise as a person would make who had never done it before.

Gentlemen, with those words, which are all I need add to what I have already said to you, I would ask you to retire to your room and consider, and let me know when you have arrived at a conclusion.

[Two officers being sworn to take charge of the jury, they retired at eight o'clock. They returned into Court at 8.35.]

The DEPUTY CLERK OF THE COURT—Gentlemen, are you agreed upon your verdict?

The FOREMAN OF THE JURY—We are.

The DEPUTY CLERK OF THE COURT—Do you find Steinie Morrison guilty or not guilty of the murder of Leon Beron?

The FOREMAN—We find the prisoner guilty.

The DEPUTY CLERK OF THE COURT—You say that he is guilty, and that is the verdict of you all?

The FOREMAN—That is the verdict of us all.

The DEPUTY CLERK OF THE COURT—Steinie Morrison, you stand convicted of wilful murder. Have you anything to say for yourself why the Court should not give you judgment of death according to law?

The PRISONER—I have got a great deal to say. For one matter, the evidence against me as to the funds which has been seen on me on the 1st January being the proceeds of the murder. I can prove that in November I had a sum of £300, and out of this £300 I have still got £220. If I can prove that, will that in any way alter the jury's verdict?

Sentence.

Mr. JUSTICE DARLING—Steinie Morrison, you have been found guilty, after a long, careful, and most patient investigation, of the crime of wilful murder. Every point which could possibly be put, every argument which could be used, was submitted to the Court and to the jury on your behalf. They have arrived at the conclusion—the only conclusion as it appears to them consistent with the whole of the evidence against you—that you did on that night, either alone or with the help of another, kill that man Leon Beron. Undoubtedly

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your case was supported by evidence demonstratively false. I am sure that that did not unduly weigh with the jury, and that they have convicted you upon the strength of the evidence for the prosecution, and upon that alone. As to anything you may have to say for yourself hereafter, you must be advised by your solicitor and your learned counsel; I can say nothing. My one duty is to pass the judgment which the law awards; it is that you be taken hence to the prison from whence you came; that you be taken thence to a place of lawful execution; that you be there hanged by the neck until your body is dead, and may the Lord have mercy on your soul.

The PRISONER—I decline such mercy. I do not believe there is a God in Heaven either.



APPENDIX.

DECLARATION OF MRS. R.

I, M. A. R., British subject, wife of W. H. R., residing at Paris, make the following statement on oath:—

On Wednesday morning the 12th of April at a quarter past 10 in the morning I got on to a tram in the Avenue Kléber between the Trocadero and the Arc de l'Etoile. I got on the outside of it, sitting at the further end. Behind me was a man and there were two other people on the outside at the other end. I was reading a French newspaper. Before arriving at the Etoile my attention was attracted by the man behind me calling out to another man (who had just got on to the tram and was about to take his seat on my side at the further end) "Hullo Georges!" The other one called out "Hullo!" and went round the end of the seats and came back and took his place beside the man behind me. They proceeded to talk in French for some time—for a few minutes—to which I paid little attention. Then my attention was drawn by the Frenchman, that is the man who had got on last, saying in French, "What are you doing in the affair Stinie Morrison?" (He pronounced it "Steen.") The foreigner said "hush" and looked round, and then said, "speak English" in English. The Frenchman answered "All right, are you going to do anything?"

The Foreigner—"No; why? Gort's (or Cort's) life is more valuable to us than his."

The Frenchman—"Yes, but we cannot let him hang. Cannot you write a letter?"

The Foreigner—"That is no good, we did that before."

The Frenchman—"When?"

The Foreigner—"In 1907."

The Frenchman—"That was not so serious. They did not hang him, they will this man."

The Foreigner—"Well, I am not going to interfere, I am not going to get the police on to me. We cannot spare Gort." The last phrase was repeated several times in different ways—that Gort (or Cort) was more useful.

Other fragments of conversation I heard—

The Foreigner—"Have you heard from or of ——?" (Name not heard.)

The Frenchman—"Yes, his eyes are still bad. He is fixed up at Marseilles still. Seely (or Seebay) had a baby, you know, there."

The foreigner seemed much surprised and I heard a broken sentence of something about "What already." They also mentioned a name like Keritoff, a man named Peter, mentioned another Georges and Karatoff and Conrad. The Frenchman got off at the rue de Rome. They shook hands and said good-bye. The foreigner went on and got down at the rue Tronchet. He walked along to the Opera, and I got down and followed him. He got into the Opera-Pantin tram.

Appendix.

He got on top and I inside. He got down at the Boulevard Magenta and walked along it, stopping at a shop, and either bought or fetched a stick. Then he turned down the Faubourg St. Denis, I think, down another short street into the rue des Deux Gares where he entered No. 11, the Hotel de Amiens.

DESCRIPTION OF THE MEN.

The Frenchman—A Jew, short, rather fat, dark hair, light coloured moustache and beard, moustache drooping over mouth, longish. Hardly any eyebrows at all. A pasty complexion. Was dressed in dark tweed suit without an overcoat, a bowler hat with a very wide curly brim and low crown, old fashioned. He had brown gloves on little fat hands.

The foreigner was tall, I should think 5 feet 11 inches, dark, good looking, short dark moustache. He had a very, very slight limp. He had dark trousers, dark grey overcoat, black tie, and a soft dark felt hat (not black, brown). He had long well-shaped hands very well tended, and on his right hand by the knuckles two moles, one very large one.

The foreigner, as I call him, spoke fluently cockney English with a foreign accent. The Frenchman spoke English very badly with a very foreign accent. The foreigner also spoke French very well. The foreigner carried a *serviette*, and when the other man had gone he took out some papers and looked at them. One of them (the one I saw) was an architect's plan drawn on architects' paper and colored.

I communicated the above statement to Mr. Lane, director of the D.M. (Paris Edition), on Wednesday, 12th April, with the condition that it should immediately be placed before the police authorities in England.

I heard through a letter from the D.M. on Saturday, 15th, that the Commissioner of Police was taking no steps in the matter. I wrote on 15th to Mr. Abinger in London, enclosing the statement.



