

**I.W.W. COMMISSION, 1918.**

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**Mr. WINDEYER'S  
GREAT  
INDICTMENT**

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Issued by Release and Defence Committee,  
285C Elizabeth Street, Sydney.  
**BEN LEWIS, Secretary**

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We demand the immediate release of the 12 I.W.W.  
men, victims of a vile capitalist conspiracy.

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## THE I.W.W. INQUIRY.

# Mr. Windeyer's Great Indictment.

FORTY-FIRST DAY.

WEDNESDAY, OCTOBER 23.

The No. 2 Jury Court was crowded as Mr. Windeyer, K.C., rose to deliver his address.

He said that although the Commission had been instituted primarily to investigate the conduct of the police in connection with the I.W.W. trials, he claimed at the outset that it could be regarded as throwing some light on the question as to whether the men in jail should have a new trial. Abundant matter had been elicited during the hearing of the inquiry which, had it been available to the jury at the time the men were tried, might possibly have produced different results. If the present inquiry only showed that certain matter now known was not before the jury at that time, that in itself was sufficient to show that the degree of certainty required by Justice was not arrived at at the trial of the I.W.W. men.

There were many facts in the evidence which were both curious and questionable; and infinitely more so in view of the facts which the present inquiry had elicited—evidence which should not have been allowed to stand in this country of law and order as a basis for holding the men in jail.

### LIST OF CHARGES.

Mr. Windeyer said he had endeavored to formulate the charges made in Parliament against the police, and which the Commission was called upon to investigate. Those charges were as follows:—

- (1) That the police arranged to deport Scully to prevent his divulging the circumstances of the case.
- (2) That Scully was promised £2000 to procure sufficient evidence to secure a conviction.
- (3) That Pauling and Turbet asked another witness to place dope in the pockets of the I.W.W. men.
- (4) That the police supplied dope for purposes of making evidence.
- (5) That the police put the towel and cotton waste in Teen's pocket.
- (6) That statements were prepared by the police of evidence concocted by them to be given by Scully.

(7) That Detective Leary suggested that Scully should manufacture evidence against Grant.

(8) That the whole case was in great part made up of fictitious evidence concocted at the instance of or with the knowledge of the police, and McAlister in particular.

(9) That members of the police force procured Scully's loss of employment.

While he could admit that some of the charges had not been sheeted right home to the police, he submitted that some at least had been proven beyond all doubt.

### SOME REMARKABLE FEATURES.

Mr. Windeyer commenced a close review of the evidence given at the trials two years ago, pointing out that there were some exceedingly remarkable features about it. He instanced the remarkable confessions made by McAlister, the two Goldsteins, and Scully, and the observations made by certain of the police. Nobody could read the evidence at the trials without being struck with the extraordinary boldness of the narrative. He instanced the fact that McAlister had joined the I.W.W. deliberately at the instance of the police, although that point had not been placed before the jury. That was a matter that should have been placed before the jury in its true light.

One of the most remarkable features of a most remarkable case was when the police, early in the proceedings, secured a new body of admissions which were all made by criminals of the worst type to persons whom they scarcely knew. There was the case of McPherson making admissions to McAlister, whom he hardly knew. The whole thing seemed improbable. Could one imagine a body of wicked men being so foolish as to impart information to the first stranger who chanced to come along? Yet that theory had been accepted by a jury. It was hard to believe, even now, that McAlister gave a true presentation of the facts.

### AN IMPOSSIBLE STORY.

There was the evidence of September 7. McAlister appeared to have been practically a stranger at the I.W.W. rooms, yet he was called upon to draw discs for a fire. He had only joined the I.W.W. some two days previously. If it were true

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it seemed incredible. If ever there was a ridiculous travesty it was presented by the pictures produced by that bit of evidence. Three men meet casually, and immediately go through a solemn farce as to who should burn down Way's shop.

There was Mahony, who was looked upon in the evidence as the high priest of the ceremonies superintending the drawing of the discs, yet nothing was known about him. It seemed ridiculous. Scully had said that the disc business was a joke amongst the police, and one felt inclined to believe that it was.

Then there was the conversation which Leary overheard behind a post outside Mark Foy's. McAllister had sworn at the lower Court that the conversation about "Miss Joey" took place in Goulburn-street. If that was true, it showed Leary to be a perjured conspirator and McAllister in his later evidence a coached witness.

#### "I HAVE A PAINFUL DUTY TO PERFORM."

Coming to the evidence given by the Goldsteins, Mr. Windeyer pointed out that during the trial the police invariably addressed either of them as Mr. Goldstein. But they did not address them as such during the present inquiry. Why was that? "Right here," continued Mr. Windeyer, "I have a painful duty to perform, and I need only add that I wish to get it over as quickly as possible. We know now that the leading counsel defending the men was not in a position to cross-examine those men. We know now that the gentleman who undertook the defence of various of the accused men was in such a position that it was impossible for him to bring out in cross-examination the true character of the two Goldsteins—Louis and Davis."

His Honor: The facts have not escaped my attention.

Mr. Windeyer: It is a very grave and significant fact, so much so that I prefer not to say any more about it. The Goldsteins were not exposed in their true characters. Why were they treated as if they were high-minded patriots? Did they give evidence from a sense of duty only? Could it be doubted, after all that was now known, that had the facts been placed before the jury at the time it would have given them cause to pause before accepting such evidence?

#### WAS LOUIS GOLDSTEIN'S EVIDENCE CONCOCTED?

Mr. Windeyer said that although Louis Goldstein had alleged that Teen told him the I.W.W. would cease using fire dope and resort to explosives, no evidence was adduced to indicate that such explosives existed. As with others, there were the same confessions by members of the I.W.W. to almost absolute strangers. It was difficult to believe how Louis Goldstein's evidence could be readily accepted by a jury. The new light thrown on it by Cohen's evidence was that it was a concoction.

Mr. Windeyer referred to question 17,176 in Cohen's evidence, wherein Cohen had

said that Louis Goldstein had told September 14 that Teen had come about Stedman's fire. That could not have been an error of recollection on the part of Cohen. On the other hand, Cohen had no doubt as to that having been the beginning of his knowledge of the I.W.W. fires. It was clearly in his mind, and it was the manner in which the matter had been introduced to Mr. Gannon. That alone proved that the statement prepared by the police was a tissue of fabrication.

If what Cohen said was true, there was no escape. Pauling, with or without the assistance of Turbet, manufactured the evidence he gave before the Court, and had used influence over the two Goldsteins to make them speak the words dictated by him.

#### DAVIS GOLDSTEIN AND THE FORGERY CASES.

Passing on to Davis Goldstein, it is significant that the fact was deliberately kept from the jury that he had been a member of the I.W.W., and was even at one time the secretary of the organisation. In some of his statements he was absolutely certain of September 15 as the date of giving information to the police, yet in the trial that certainty was departed from and "about the 15th" adhered to. That was not frank evidence from a person claiming to know what he was talking about. It was a most remarkable thing that two of the prisoners should independently state that he was connected with the note forgery cases. It would appear that he did know of them, if indeed he was not a party to them. If Goldstein was on the friendly terms he alleged with Hamilton, the conversation between them re the note case would never have taken place. The evidence given by Davis Goldstein regarding the conversation with Hamilton was almost incredible.

It was inconceivable that the very things the police wished to discover they heard from the Goldsteins. It was strange that there was no evidence against Mahony, although it must have been highly serviceable. Androvitch was named in the warrant, yet not a single word was said about him, or even that he existed at all. The police seemed to have pursued the case with but one object in view—that or proving the guilt of the twelve men they had in the dock. Although it was part of the Crown case to give evidence against Androvitch, not a single line of it appeared in evidence. Davis Goldstein had sworn that he went to the I.W.W. men as a sympathiser of them, and that they reposed confidence in him. It could be said now that that was a lie.

#### SCULLY'S EVIDENCE.

The general character of Scully's evidence was of the same nature. After reading Scully's statement to the police on September 29, 1919, it was hard to come to any other conclusion than that from that date he was a paid agent of the police. But that fact was never disclosed to the jury. Scully's evidence was, of course, not open to the same criticism as

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that of McAllister or the Goldsteins—there being an introductory narrative which gave an explanation of his connection with the I.W.W. The police were fortunate enough to arrive at proof that all the fires were caused by the I.W.W. As a matter of fact, it was never suggested at the inquests that the fires had been caused by the I.W.W.; but as regards three out of four, the police were fortunate enough to procure admissions that they were.

#### "WHOSE COURAGE FAILED?"

Then there was the evidence of the police. Take Leary's remarkable evidence as to what he heard behind a telegraph post. Why Fergusson and Lynch should have been present to corroborate Leary's presence behind the post was hard to say. They were also fortunate enough in that they were able to corroborate that Leary went into Foy's shop to call Mr. Foy's attention to the men talking on the other side of the post. Foy made a statement to the police, but for some reason it was never used, although Foy himself was in the witness-box. Whose courage failed? Unfortunately Mr. Lamb had no memory. Mr. Windeyer suggested that the police went to great pains to establish that story, and one's mind was irresistibly driven to suspicion by a story of that sort. Why wasn't Foy's statement put in at the time? Was it that Leary considered the story was too tall, and might not be believed by the jury?

#### LEARY'S EVIDENCE REGARDING REEVE.

Coming to the secretion of the police in the empty shop opposite the I.W.W. rooms, there was again room for suspicion. Leary's evidence at the Court was that he had seen some of the I.W.W. men in the forenoon of September 14, 1916. Yet it was established now that Leary was not there then. Other detectives had sworn that Leary did not come to the empty shop until the afternoon. That information was not available to the defence at the trial, and it had to be the appearance of having been concocted and manufactured to corroborate the Crown case. It should also be remembered that Leary's evidence regarding Reeve had been altered between what he had said at the Police Court and what he said at the trial. At the Police Court, Leary had sworn he saw Reeve early in the afternoon, yet it was known now that Reeve was not liberated from jail then. At the higher Court Leary altered his evidence to read that he saw him between 4 and 5 o'clock. Taking that in conjunction with his evidence regarding what he had seen in the morning, it was highly unsatisfactory. If the jury knew the facts as they were known now, could they have accepted Leary's evidence?

Then they swore they saw Hamilton hand something to Goldstein. If it were true, it was the most important thing of that day, and they must have known the importance of it. Yet no note of it appeared in their report, or even that they had seen Goldstein or Hamilton about the

place. This was a fact of great significance, and one which was vital to have. It should have been known when the men were on trial, but unfortunately it was not known to the defence.

#### "OBLIGING CONSPIRATORS."

Mr. Windeyer characterised the statements about demonstrating in front of the I.W.W. rooms as something which could not and did not take place. "Believe me," said Mr. Windeyer, "I was not wasting the time of the Court when I made the police demonstrate the matter in this witness-box. It throws grave doubt on the reliability of these witnesses in the highly improbable that such wicked conspirators would come outside their own rooms on to the open street and give exhibitions which could be seen by the police.

Resuming after lunch, Mr. Windeyer said it was most remarkable that all the pantomimic admissions of guilt took place on the pavement outside the I.W.W. rooms. Whenever any member of the I.W.W. had occasion to do anything that would incriminate him, he did it outside where the police could see it. Of course it would be said that they might have also done these things where they could not be seen, but even if it was claimed that one such demonstration took place outside in the open there was great reason for doubt. The fact, too, that a manager of a great establishment like Foy's should be right on the spot near the door where Leary could locate him instantly was likewise remarkable.

If the evidence given by Cohen that Louis Goldstein told him of Teen's confession was correct, then Leary must have known that his evidence was false when he swore that he saw Teen speaking to Goldstein on September 22. It was most remarkable that the police were always able to corroborate various incidents.

#### "A CLEVER PIECE OF ACTING."

Although the Goldsteins were in constant touch with the police, for Leary and Lynch not to have known what their Christian names in November, when they gave evidence, seemed to be nothing more or less than a clever piece of acting on their part to make the evidence look real. "I suggest," said Mr. Windeyer, "that these men are skilled for the purpose of making their cases good, and skilled in the concoction and manufacture of cases for prosecution. I submit that that is a piece of cleverness which we could expect from these men if they are guilty as I suggest. The same piece of humbug was used by Lynch as was used by Leary."

Referring to the statements by Goldstein and Scully which led to the initiation of the Commission, Mr. Windeyer said the statutory declaration made by Davis Goldstein stood on the same footing as the evidence given by him at the Commission. After making a sworn declaration to Judd, Davis Goldstein came to the Commission and said that all he had said in the declaration was untrue. As to what weight should be given to that statement

was a matter for grave consideration by his Honor.

What was the motive in his mind in going to Judd? In the statement he made on the Sunday before his reason that the Commission he gave as his reason that he had been ruined financially, and would have to go back to his trade as a tailor, and had been persecuted and didn't care what happened so long as he cleared himself. But could one believe that he would make the attacks on the police for the motive he suggested? It must be admitted that Davis Goldstein had shown himself as a man without the slightest regard for truth, honor, or honesty; had proven himself to be as unreliable, dangerous, and shiftily a criminal as had ever appeared before a court.

"Isn't that a matter which should be taken into account in connection with the accused men now in jail?" added Mr. Windeyer. "If what is known about him now was known about him then, wouldn't it have been natural for the jury to ask what manner of man he was? But the position was never placed before the jury as it should have been. Unfortunately it is that the jury was not apprised of the true facts, or of what pressure had been brought to bear upon the Goldsteins before they would give any evidence.

#### DID DAVIS GOLDSTEIN'S CONSCIENCE SPEAK?

"What was the motive? I suggest that the reason for Davis Goldstein's declaration to Judd was that at the bottom of his heart he was ashamed that his care for himself had resulted in sending men to jail for long terms of imprisonment, and that he had helped to put them there, but that he did not realize what it meant at the time. We have the evidence of Scully that he was almost in tears when he offered to give information to Judd, and realized that he had done a wrong by having manufactured this evidence. Strange as it may seem, we knew that this motive may attack a man and reveal the one spark of manhood left in him. Isn't it reasonable to believe that that was the real motive of Goldstein's declaration to Judd?

But to Pauling, Goldstein had suggested that his reason was to get even with the Government. Could that motive be put forward seriously? As to his position in the world, it had to be remembered that when he first gave the information to Judd his financial position was not the same as it was when he made the declaration. He was not ruined and bankrupt then—he had motor cars, and was interested in a hotel business at Mudgee. "So when he told me on the Sunday prior to the opening of this Commission that that was the reason, he made a lying statement," added Mr. Windeyer. Compared with the evidence he gave at the first trial, and the evidence he gave before the Commission, one must prefer to believe the statements he made in the declaration to Judd.

#### WAS PRESSURE BROUGHT TO BEAR?

The facts leading up to the retraction of his statements were too strong to be concealed, although he had done his best to do so. Why was it put forward that he had seen Pauling casually in the street on the Saturday night before the opening of the Commission, except to conceal that he had an appointment with Pauling, and that the police had a part in bringing about the position of the Goldsteins at the inquiry?

On the Saturday he had been told that Mr. Windeyer wished to see him in view of the serious charges against the police, and he made an appointment for the next day. But his brother had seen Pauling on three occasions during last week, and had seen Walker once. It was known now that Davis Goldstein had seen Pauling on the Saturday night, but he lied as to how he had seen him.

"On the Sunday he made his retraction. Why? I think I have established a reason why his retraction should not be accepted, and why his statutory declaration should be accepted as the true facts of the matter," said Mr. Windeyer.

#### PAULING AND THE GOLDSTEINS.

It was remarkable that he should supply the police with a copy of his retraction—and a carbon copy at that. It looked as if the police wished to be very sure of every word of it. Was it possible to believe that the police had no lot or share in the existence of that document, or in the attitude he assumed on the Sunday when he went to see Mr. Windeyer? It was hard to believe that in those visits of Louis Goldstein to Pauling not one word was asked concerning Davis Goldstein and what he had been saying about the police. Something must have taken place of which the Commission had no knowledge.

Davis Goldstein had sworn on August 22 that he met Pauling in the street outside the police station. On August 30 he denied seeing him in the street, but that it was just inside the police station. Pauling's and Jones's evidence was that Pauling did not come downstairs at all. Thus, if the evidence given by these two police officers was true, then the evidence given by Goldstein was invention.

Mr. Windeyer said it seemed that a common understanding had been established between Pauling and Louis Goldstein that the latter was to use his influence with his brother—and the evidence showed that Louis Goldstein was a go-between between Pauling and Davis Goldstein for a whole week, but that it wasn't until the Saturday night that Davis Goldstein was overcome and was prepared to make a retraction. Thus the retraction was in part the work of the police.

Referring to the evidence given by Mr. Cohen, Mr. Windeyer said it was a remarkable thing that although Cohen was their solicitor, the Goldsteins went direct to the police with information without first consulting their solicitor as to how they stood. In Scully's case he went to get advice from his solicitor before he did

anything. Why did the Goldsteins go to the police first?

Mr. Windeyer had not finished his address when the Commission adjourned until the following day.

#### FORTY-SECOND DAY.

THURSDAY, OCTOBER 24.

Mr. Windeyer continued his address. He read passages from McAllister's evidence to show that he knew McPherson by that name prior to September 25, which would indicate that McPherson was not identical with Andrew, and that the tale about Andrew had been fastened on to the unfortunate man McPherson when it was never intended for him at all. Mr. Windeyer also commented on the fact that while at one time it was sworn Goldstein came out of the I.W.W. rooms with Hamilton, Goldstein himself had sworn that he met Hamilton outside the rooms in the street.

In coming to the facts which had arisen since the Commission started, there was the case where two important witnesses had stated that a lot of the original evidence was not true. It was true that Goldstein had gone back on his statement, while Scully had in part qualified his. But it had to be remembered that in retracting his evidence Goldstein lied as to the reason. The story about wanting a Union ticket could not be accepted—it would be probably the last thing Goldstein would think about. At the trial there was no suggestion to the jury that Goldstein was under any pressure.

#### WHAT COHEN WAS BUSY ABOUT.

"Then, again," said Mr. Windeyer, "what was the professional business Cohen was busy about? It must be obvious to all that Cohen was anxious to secure the release of his client from the note forgery case. At the first interview on September 14 the matter was discussed. There may have been patriotic motives in view, but it was not also to try and secure their release from the forged note cases? On the next day we have in Cohen's diary entries about attending detectives, the Crown Law Department, and Gannon. It should be remembered that prior to this the Goldsteins had been in touch with the police. What was the purpose of the interview with Turbet? It could only be for the purpose of securing the services of the Goldsteins in the I.W.W. cases with the object of securing their release from the note cases.

"The Goldsteins had one tremendous motive in view—that of making themselves as useful to the police as possible. Why? If what Cohen had said regarding Teen's confession is true—that Teen's confession was already known to the police on September 14—then it seems that the police were prepared to use the Goldsteins to manufacture a case quite irrespective of its truth. I must say, in passing, that in fairness to Mr. Cohen the subsequent movements of the Goldsteins showed that

any arrangement between them and the police to concoct evidence was not with his knowledge."

#### NOTHING FOR NOTHING!

At that stage Goldstein's attitude was: What will be the effect of the evidence I can give to the police? Will it succeed in securing a nolle prosequi or not? The fact that Goldstein would not sign a statement until his solicitor had seen it, and until Cohen had seen the detectives, showed some remarkable anomaly between them, their attorney, and the police, and suggested that the Goldsteins were then balking in the matter. That in itself would justify the reopening of the matter.

Regarding the suggestion that Gannon should see Mr. Hall (Attorney-General), the only possible reason to suggest was that he was trying to secure the filing of a nolle prosequi. It could not be that he was going to give information—the police already had that. Plainly, all the business was done with one end in view, that of securing a nolle prosequi.

His Honor pointed out that Cohen had stated definitely that the reason he was professionally engaged was to get his clients out of the note forgery case.

Mr. Windeyer went on to say that it was obvious that the story as to how the Goldsteins became concerned in the I.W.W. case was a concoction, and that Pauling had lent himself to it. The Goldsteins had made it clear that September 15 was a definite date in the matter until it was shown that a different version would be given by the police. Then they began to shift and hesitate. Goldstein had denied in evidence that he got the dope from Hamilton at the instigation of the police or that he had a conversation with Pauling or Turbet prior to September 15. "We know from the police reports that this is not so," added Mr. Windeyer.

#### GOLDSTEIN'S STATEMENT TO JUDD.

In making his statement to Judd, Goldstein never made a frank disclosure as to the frame of mind he and his brother were in when they became witnesses. He wanted to tell the truth sufficiently to discredit the police and get an inquiry, but never proposed disclosing in full all that passed between him and the police. During the inquiry much had been discovered which discredited him more than his statement could. It must be clear that at no time was Davis Goldstein frank. The difference of dates of Teen's confession threw doubt on the reliability of any of Goldstein's evidence—it could well be a reason for not accepting it. It was quite consistent with his attitude throughout that the story of Hamilton and the dope was an invention. "We may be quite sure," said Mr. Windeyer, "that if it did take place it did not take place in the open street. This inquiry has disclosed that Goldstein cannot be relied upon as to anything at all."

#### WHAT THE JURY DID NOT KNOW.

There seemed to be very good reason why some of Scully's statements should

be accepted. It was given at a time when the matter had not developed to any great extent. There was fair reason to argue that some of it was honest. Davis Goldstein had said that the reason he first gave evidence to the police was for patriotic motives, and not that there was any arrangement regarding their position in the note forgery cases. The police must have known the course the evidence would take at the trial, yet they stood by and allowed the Goldsteins to give a false version. That established the fact that the police were a party to it, and Mr. Windeyer claimed to have established that the story of the Goldsteins was invented. Why was the truth not told?

Had the jury known that the Goldsteins were in the I.W.W. case to save their own skins wouldn't that fact have weighed with them? Had the real connection of Davis Goldstein with the I.W.W. men been disclosed it would also have been disclosed that one anxiety was to escape prosecution. Thus the conduct of the police in the note case became woven up with their conduct in the I.W.W. case."

#### DAVIS GOLDSTEIN A TOOL OF THE POLICE.

The charge had been openly made that Pauling, Turbet, and possibly Mitchell neglected their duty to sheet home the guilt of the Goldsteins because of their improper relationship with them. If it were true that the police had accepted bribes from the Goldsteins or had used their control over the Goldsteins to make them give presents, it threw a light on the fact that even early after their arrest the Goldsteins were willing to give evidence.

It was important to discover that, from a statement left with Cohen by Goldstein re Besant, a week prior to September 15, the police were using Davis Goldstein as a tool to secure information about the note case. That was a matter never disclosed until the present inquiry.

That, said Mr. Windeyer, brought up a serious and unfortunate part of the inquiry—that the money was alleged to have been converted to the police. The case that had been made out was that the money went to Lazarus but no further. It was quite possible that people got money under the pretence of giving it to the police, but that the police never got it. It was possible that Lazarus got the money, and it went no further. But it had been established that it did reach Lazarus.

#### THE PAYMENTS TO LAZARUS.

It had to be considered if the police had any guilty relationship with the Goldsteins, taken in conjunction with the suits, etc. The evidence of Green, Lazarus, the Karpenskys, and Lazarus's bank-book must be considered. It was clear that Lazarus had not explained why he should get £600 as security for a £400 bond. His statement was that later it was returned in two payments of £250 and in other cash. But it was remarkable that one payment was made on the same day as it was paid

into Lazarus's banking account. The story that it was paid for law expenses was not true—a cheque butt showed that the Goldsteins paid Cohen by cheque direct. Nor did the payments fit in with the racing transactions referred to.

#### THE KARPENSKYS WERE TELLING THE TRUTH.

There was also Davis Goldstein's positive statement in his declaration to Judd. That he should disclose that for the purpose of making a case against the police because he did not get his £400 back in Morgan's case was unthinkable—there was no connection in the two matters. Goldstein's statement was that it was paid for the police, and it was known that it did reach Lazarus.

Mr. Windeyer suggested that the Karpenskys were telling the truth; that they were simple, child-like people anxious to tell all they knew. If that was so then it carried the matter further, for they said that Davis Goldstein admitted to them that the money was for the purpose of bribing the police. It must also be remembered that September, 1916, was a lucrative month for some of the detectives. Of course the money in their banking accounts for that month was insignificant when compared with the money alleged to have been received by them as their share out of the money paid to Lazarus. But would it be probable that men engaged in a wicked transaction would place the whole of the money in their banking accounts? On the other hand, it would hardly be likely that they would use their banking accounts for the purpose of storing their ill-gotten gains, though they may have felt disposed to place a little of it there.

#### THE SUITS FROM PURA.

As to the suits of clothes, one could not believe for a moment that Pura's books were dishonest. The evidence was overwhelming. If Pura's evidence was true then it showed that the police version of how they got the suits was perjured one. If the police were guilty of getting the suits for nothing they were likewise guilty of appearing before the Commission and endeavoring to cover up what they had done. It might be that the Goldsteins were men of the servile, crawling class, and that they "smoodged" to the police to take the suits; or it might be that if the whole truth were known the police were more innocent than they appeared.

Mr. Windeyer said he would suggest that the police did not pay for the suits at all. Davis Goldstein had said that the police put it on them for the suits. Mr. Windeyer thought the most probable explanation was that the Goldsteins had made the police presents of the suits, and that the police had not the courage to admit that. Because they did not, it made the case worse against them.

#### "CUNNING, READY LIARS."

"They have all shown themselves to be cunning, ready liars when they wanted to make up a case. We have only to take

the case of Surridge in the witness-box regarding the newspaper cutting. They have shown themselves to be entirely without regard to the sanctity of an oath as regards telling the truth," added Mr. Windeyer.

Mr. Windeyer went on to contrast the various statements of the police as to how they came to get the suits. If what they said was true, then what Goldstein had said was false—one was driven to the conclusion that both were false. If the suit business, as suggested, was true, what light did it throw on the reliability of the police in giving evidence? Was it reasonable to assume that none of them remembered exactly under what circumstances they came to get the suits?

#### "PURA'S EVIDENCE STANDS UNIMPEACHED."

Regarding the receipts, the detectives said that the suits cost them £5/5/- each. In Pura's books the prices varied from £6/5/- to £6/10/-, and in all cases a receipt was given for a higher amount. Perhaps that looked suspicious. But Pura had said that he had been asked to make the receipts higher than the cost of the suits, and that was borne out by Goldstein. One could readily understand, then, how a higher price came to appear on the receipts. But that did not get over the price of the suits in Pura's books, and there could be no doubt that Pura's books were honest. Then the two payments for £19 each fitted exactly with the cost of the suits made up to the date of payment. In the main Pura's story was shown to be true. Thus the whole of the police version was a concocted piece of perjury for the purpose of deceiving the Commission. Save for the denial of the police, Pura's evidence stood unimpeached, and his demeanor was that of a man trying to tell the truth.

It was remarkable, too, that if the suits only cost £5/5/- the receipts for the higher amounts were kept, while no receipts were obtained from the Goldsteins. One could not think otherwise than that the story put forward by the police regarding the suits was untrue.

#### THE LATER VISITS TO PURA.

There was also the fact that two of the detectives went to Pura prior to the commencement of the Commission. It remained to be seen whether Pura's evidence regarding that matter was accepted. If so, then further perjury was committed by Turbet as to what happened when he went to see Pura. If Pura's evidence could not be set aside, then the guilt of Turbet was very serious indeed. The fact that the police did not put forward a definite story as to how they came to get the suits suggested that they made the story up hurriedly to meet the awkward facts as best they could. Nor could it be forgotten that Judd had the first information of the suits from the Goldsteins, while the fact that only the detectives engaged in the note forgery cases got suits could not be lost sight of. Mr. Boote had said in his evidence that Davis Goldstein

had told him that the police put it on them for the suits, and that they took care to get separate receipts from Pura, but that they (the Goldsteins) had paid for the suits. Would Davis Goldstein have thought out the significance of all the details to Boote unless his story was true? Could he have thought it out if the detectives' version that they had paid for the suits was true?

#### MONEY LOST "AT THE RACES."

Regarding the cheques drawn for "cash," it was a striking fact that the detectives at the time did not conduct any extensive investigations regarding them. At the close of the Commission Davis Goldstein explained that they were drawn for wages. That explanation was never made before, nor was it made at the time of the note cases. The police had said that when they conducted the inquiry into these cheques the Goldsteins had said they were to pay wages, and the police were satisfied with that. But a regular wages cheque appeared every fortnight in the Goldsteins' banking account. It was thus impossible to believe that those cash cheques had been drawn for that purpose. The evidence of Davis Goldstein that they were for horse bets was obviously dishonest, and if it had been told to the police at the time they would have remembered it.

#### A LITTLE OVERSIGHT REGARDING A DATE.

Mr. Windeyer drew attention to the statement that a cash cheque drawn for £70 odd on July 6, 1916, was for the purpose of betting on a horse named North Star, which ran that day. As a matter of fact, that horse ran on the day previously and before the cheque was drawn. He suggested that in trying to build up that story the date of the paper had been taken, and no notice was taken of the fact that the race took place the day previously.

Regarding the financial transactions of the Goldsteins, Turbet had said that the reason the matter of their bank account was not pursued was because of instructions from Mr. Bathgate, while Mr. Bathgate's recollection of the matter was that the matter had not been brought to him at all. There was also the fact that Allen, the bank manager, had stated that he had no recollection of Turbet approaching him regarding the banking business of the Goldsteins. In this direction the discrepancy between the evidence of Turbet and Mitchell should be noted. Turbet said he discussed the matter with Mitchell prior to giving evidence in the Commission, but Mitchell blankly denied the conversation taking place. That was not a matter which took place long ago, or a couple of years ago—it was something that happened days previously.

#### "JUDD'S STATEMENT CARRIES CONVICTION."

As regards Scully's statement, there appeared to be no reason why Scully should invent the conversations he said he had had with Goldstein. At one stage

both Goldstein and Scully had stated that the evidence was dishonest. But that was not all. There was the incident about Surridge. It was not denied that he saw Judd, nor that Scully said he could speak freely to Judd. "I submit," said Mr. Windeyer, "that Judd is scrupulously a witness of truth, and that your Honor will regard him as such. He is a man who has, perhaps, unusual views, but that is no reason why he should be disbelieved. His account of the conversation with Surridge is important and carries conviction. Contrast Judd's evidence with that of Surridge, particularly regarding the newspaper cutting on the previous Friday morning. That alone was enough to show what manner of man Surridge was. Who, then, could we believe—Judd or Surridge?"

#### "WHY DID THE GOVERNMENT COMPROMISE WITH SCULLY?"

Mr. Windeyer went on to remark that it appeared strange that McAlister should get the greater reward, although he did not give as important evidence as either Scully or Goldstein, and then referred to the plan on the part of McAlister and Scully to sue the Government for large sums of money. He suggested that they were of the opinion that the Government would not be game to fight them in the courts, and there was the fact that the Government did compromise with Scully. It was pressed upon the authorities that he should be paid, but no explanation was given. It was quite obvious that the Attorney-General knew nothing about it. When it was found that Scully had been in touch with Judd, money was found, and a condition was made that he should leave the country. It was now known that no money was to be paid to him unless he did leave the country. Why?

Mr. Windeyer had not concluded his address when the Court adjourned.

FORTY-THIRD DAY.

FRIDAY, OCTOBER 25.

On taking his seat his Honor stated that he had heard of the death of Detective-Sergeant Robertson, and expressed regret and extended his sympathy to his relatives. Mr. Shand, K.C., and Mr. Windeyer, K.C., concurred.

Mr. Windeyer, continuing his address, said it was a strange thing that while Inspector-General Mitchell knew of the introduction of Scully and McAlister in the I.W.W. case, he did not appear to know anything of the Goldsteins' introduction into the matter. The same was instanced in the case of the Crown Solicitor, who had no recollection of the Goldsteins' coming into the case till some time afterwards. It was remarkable, too, that the Goldsteins were continually in touch with Pauling. Although it was known that Pauling was in touch with the Goldsteins on September 11, 1916, and received the fire dope from them on September 15, there was no report till September 16. As to how they first approached Pauling there was no

definite information, Pauling's mind being quite vague on the matter.

Mr. Windeyer suggested that Pauling's conduct was largely governed by the fact that the reward was advertised on September 15. Although it was not known when the Goldsteins first approached Pauling owing to the failure of everybody's memory, Exhibit 86 (re Besant) showed Goldstein to be an informer about a week prior to September 15.

Not only did they go to Pauling in the beginning, but it was to him they went when wishing to retract, while Louis Goldstein selected Pauling as the officer to get into touch with prior to his brother's retraction. All that was very significant.

#### GOLDSTEIN'S FORMER INTENTIONS.

Goldstein evidently intended to expose the conduct of the police long before he approached Judd. The latter's evidence showed that some time previously Davis Goldstein had written a statement, but had destroyed it because he did not wish to antagonise the police. That fact could not be lost sight of. There was also the admissions to Judd and Boote by Goldstein of his terror of the police when he asked for an escort to accompany him back to Mudgee. If it was established that Goldstein proposed making a statement prior to seeing Judd, that disposed of the assertion that he only made the declaration to Judd to curry favor with the Labor Party and get a union ticket.

Referring to King's account of a conversation with Surridge at Victoria Park Racecourse, it had to be remembered that King became aware where Scully was. From whom? And why should Surridge say that if a Royal Commission was granted he would tell the truth, but that he couldn't risk his position? Could he have thought otherwise than that everything was not right? There was the corroboration of conversations with Scully and Judd before the declaration was made, and that tended to show the matter was not entirely a wicked invention on Goldstein's part.

#### TURBET AND GOLDSTEIN.

The evidence of Turbet (in detailing a conversation with the Goldsteins at Lazarus's Hotel) in remembering that on September 15 he heard of Teen from Goldstein, coming after Cohen's evidence about the confession of Teen, looked suspicious, and bore the impression of having been arrived at after Cohen had given his evidence.

Mr. Windeyer pointed out that from beginning to end of the inquiry there was no definite story of the initiation of the relationship between the police and the Goldsteins when they first came under the influence of the police, and suggested that the reason for that was that there was something which could not be related. He read several passages from the evidence of Mr. Cohen to show that there was a deliberate intention to conceal all that was going on between Cohen, Gannon, and the Crown Solicitor.

Mr. Tillot had said that consideration should be shown to Goldstein, because it

was through him that the police first got into touch with Scully, yet there was no record anywhere of what the Goldsteins had said about Scully. What had become of them?

There was something not altogether right in the relationship between Turbet and Goldstein when the latter was trying to get a return of his \$400 from the police. In Scully's evidence there was also a statement that Goldstein had told him something about Turbet helping him in a matter, but that it did not come to anything. The fact that Turbet went to Cohen's office to type a statement for Goldstein showed an extraordinary friendship between Turbet and Goldstein. Why should he leave his office to go to a solicitor's office to help Goldstein? Why did he want to have a statement made according to the coloring that Goldstein desired, when he knew all about Morgan's bail himself? The whole matter was suspicious.

#### ANDREW AND ANDROVITCH A FANTASTIC STORY.

Mr. Windeyer then went on to detail various discrepancies and inaccuracies in McAlister's evidence at the trial, which he contended would occur in an untrue statement but which would not occur in a true one. He also referred to Ferguson's denial at the trial that McAlister was related to him, also that the jury had no knowledge of McAlister's continued visits to Ferguson's home, or that at that time was actually living there. "Counsel for the defence and the jury would have been in an entirely different position if these matters were known at the trial," said Mr. Windeyer.

An attempt had been made to establish that Andrew and Androvitch were two different persons. Mr. Windeyer claimed that this had never been established, nor were they ever spoken of as two different persons. If the police knew where Andrew was (and they said they could put their hands on him at any time they liked), would they not have arrested him? That alone discredited the fantastic story of the existence of a man named Andrew. Here was a man who was said to be distributing fire dope, and the police knew that he had an appointment with McAlister on September 14, 1916, yet no member of the police force took the trouble to be present to arrest him or even take a description of him. It was only after the inquiry had been in progress some time that Andrew and Androvitch became two different persons. Having judged McPherson to be Andrew, and the fact that only the name of Androvitch appeared on the warrant, the police were unable to reconcile a Scotsman with a Russian. Then came the story that they were two different persons.

#### A SECOND STATEMENT—WHY?

The police for some reason or other wished to make it appear that McAlister could not have seen McPherson on September 25, 1916, and fixed the date as the 28th. But when McAlister made his statement on October 2 he definitely men-

tioned September 25 as the date. It was hardly likely he would make a mistake about a date only a week previously. There was something peculiar in the statement of McAlister on October 2, inasmuch as in that statement McAlister was made to speak as if he did not know what Andrew's real name was, and professed not to know him by any other name. Could that be genuine in view of the meeting on September 25 previously when McAlister addressed the man as "Mac"? The statement was intended to be a clever piece of evidence rather than a statement of truth.

From the diaries of Lynch and Leary it was seen that on September 20 they were engaged preparing a proof of McAlister's evidence. He had given no information after that date. Yet they set to work to make another proof on October 2. The first proof had disappeared, and in its place the second was substituted and made to appear as the original one. For what reason, if only that the first did not fit the case?

#### WAS THE CONSCIENCE DICTATING?

Mr. Windeyer said it appeared plain at one stage that Scully, McAlister, and Goldstein were worried in their minds and consciences, but did not have the pluck to stand up to the truth. It was remarkable that Scully all through had never admitted committing perjury, yet he had stated that he did not intend saying anything which would lay him open to a charge of perjury. If the latter words were really spoken to Judd and Boote (and there is the evidence of Judd consulting Abigail as to the liability of perjury), then it appeared that there was something he could say but that he was considering his position. There is no escaping the conclusion that at least Scully and Judd discussed the possibility of putting forward evidence inconsistent with that given at the trials.

Mr. Windeyer read many passages from Scully's evidence of the latter's conversation with McAlister, in which McAlister referred to the police evidence as being false, to show how far McAlister could be regarded as an honest witness at the trials.

#### WAS SCULLY AFRAID OF THE POLICE?

As regards Scully, it was never made clear at the trials that he only gave evidence because he was afraid, and while each of them—Scully, McAlister, and Goldstein—on the one hand were undoubtedly anxious to undo the great wrong that had been done, at the same time they were anxious to save their own faces on the matter. From Scully's own evidence it was apparent that he had to be pressed very hard before he would tell the truth. It was also apparent that he only gave evidence at the trial to save his own skin.

"Would a man who did that be likely to be a truthful witness?" asked Mr. Windeyer. "We know now that he made that statement to the police largely because of fear. He had every motive in the world to placate the police. He is a man with a subtle, glib tongue, and tried to get out under a cloud of words, as he has often



done before this Commission. Where his own conduct was at stake he became unreliable, but where that was not concerned he appeared genuinely anxious to undo a wrong that he had done and to tell the truth."

Both Robertson and Surridge in their statements spoke of assisting Scully. They realised at this inquiry that it would cause comment and gave what must be classed as ridiculous explanations. There is not the shadow of a doubt that something more was done than handing Scully pen and paper, and giving him drinks of water.

#### SCULLY'S UNFORTUNATE POSITION.

What, then, was the frame of mind in which Scully became a witness? He had been told that he had been watched for a week, that he would either be prosecuted or turned into a Crown witness. Isn't it apparent, then, that he came into the case to save his own skin? What would the jury at the trial have done if they had known all these circumstances? What would they have done if they had known that Scully went there trembling and frightened in fear of being prosecuted? Nobody knows what his true connection with the conspiracy case really was. It is not conceivable that he supplied the chemicals without knowing what they were for. That I frankly admit. That is, by the way, an instance where he lied for quite insufficient reasons—simply to save his face in the eyes of his friends. Scully would have felt a certain amount of shame in having to admit that he was a party to the conspiracy.

#### "THE BETTER PART OF HIS MANHOOD."

Had the true facts been known at the time of the trial, the jury would have realised that he was an accomplice and giving evidence to please the police. Contrast that with his motive in making the statement to Judd and Boots, and it becomes evident that the better part of his manhood manifested itself when he approached them rather than when he was undergoing a mild form of third degree at the Detective Office. If all the facts were known at the time, then it would have been a very different issue which the jury would have had to try. The evidence against some of the men was very shadowy—a fact which even the Judge commented upon. Take the case of Beatty. If the jury knew that Scully gave his evidence against Beatty because of his fear, would they have come to the conclusion they did? One cannot imagine a jury consisting of men, save that their minds were overwhelmed by the statements of Scully and the others. The fact that Scully was thus pressed by the police is a matter which alone justifies the time spent on this Commission to elicit it.

"I maintain that where Scully now goes into the witness-box and swears positive statements, some importance will be attached to them. Although shifty and tricky, one cannot help thinking that in his nature there is yet a streak of good. His manner during the inquiry evinced a desire to assist the Commission to bring

out the truth. The production of the newspaper cutting is a test of truthfulness."

#### SOME SIGNIFICANT FEATURES.

Mr. Windeyer went on to comment on the fact that the Goldsteins always dealt with Pauling, McAlister with Fergusson, and Scully with Surridge. McAlister took confessions to Fergusson from men who were almost strangers to him but who, strange to say, made a confidant of him. Goldstein was no longer a member of the I.W.W., yet Hamilton put him au fait with the whole conspiracy.

Mr. Windeyer had not concluded his address when the Commission adjourned till Monday (October 28).

#### FORTY-FOURTH DAY.

MONDAY, OCTOBER 28.

Mr. Windeyer, continuing his address, pointed out that Scully in his statement to the police on September 30, 1918, made no mention of Beatty in connection with the interview with Fagin and others in the latter's room, although he mentioned the name of Beatty when giving evidence. This was very significant, and suggested an instance of where Scully knew his evidence had been concocted and that Beatty's name had been inserted.

He commented on the change in Leary's evidence regarding the time he saw Reeve on September 14. The same change also took place in Matthews' evidence. It was something more than coincidence that at the trial both these men were positive that what they swore at the lower Court was a mistake.

Referring again to the money alleged to have been paid to the police through Lazarus, it had to be remembered that Goldstein was daily in touch with the police and on very intimate terms with them. If the money had reached Lazarus—and Mr. Windeyer claimed that that had been established—and it had not reached the police, Goldstein would have discovered that fact. The fact that Goldstein told Judd that £150 had been kept by Lazarus was important, because it inferred that Goldstein had knowledge that the money, less this amount, had reached the destination it had been intended for.

#### MARVELLOUS CORROBORATION.

Scully and Goldstein must have known a great deal more of the I.W.W. matter than they divulged, and from this it would seem that they were actuated by very good reasons in stating that certain men were innocent. The fact that, having the knowledge they did, they should pick out certain men and declare them to be innocent was a matter to which his Honor would have to give close consideration.

Mr. Windeyer characterised it as remarkable that the detectives were able to corroborate one another in the way they did. There was the matter of Surridge, who had sworn to seeing Judd talking to Scully in King-street. Surridge said he

decided to drop Scully, because he was in touch with Judd. Then Robertson came along and swore that he, too, saw Scully and Judd in King-street, and that he advised Surridge to drop Scully. Again, when it was necessary to try and discredit the evidence of King regarding the conversation at the Victoria Park Racecourse, Robertson again came to his friend's assistance by showing how it would have been impossible for Surridge to have had the conversation with King.

#### WAS THERE A CONSPIRACY?

Mr. Windeyer, in closing his address, said the Commission was unique. If anything in the nature of a conspiracy had taken place, no legal task was more important than that which set out to establish that a mistake had been made. He submitted that the evidence given at the trial of the men contained so many discrepancies and bore such a remarkable similarity in the relation to the evidence in the different departments of the case that it became impossible to believe that the I.W.W. trial was the calm, dispassionate administration of justice which all of them believed was essential for the continuity of the forms of civilisation, and which they also believed was necessary for the evolution of humanity. He asked his Honor to say that the conduct of those instructing him and the earnest belief which they had displayed in the cause of justice required further efforts in the interests of the men in jail.

Mr. Windeyer closed his address at 11.15 a.m., it having occupied 141 hours in delivering.

#### CASE NOW STANDS IN A DIFFERENT LIGHT.

Mr. Windeyer, in reply, went on to point out how in certain cases police officers had succumbed to temptation and lent themselves to criminals. Although Mr. Shand said it was impossible to think that police officers would place themselves at the mercy of criminals, the fact still remained that there were cases when it was known they had. He said if it was proved that the police were foolish and corrupt enough to accept presents of suits from the Goldsteins, Mr. Shand's contention failed.

If the evidence of Scully and the Goldsteins was wiped out, Mr. Windeyer maintained that the I.W.W. matter stood where it did on September 12, 1916, when there was no evidence on which to effect arrests. He did not suggest that there should be a report for the immediate release of the men in jail, but he did contend that the evidence against the men stood in a different light now to what it did prior to the opening of the Commission.

Dealing with Mr. Shand's deductions as to the value of the evidence given by Pura and the Karpenskys, Mr. Windeyer said he thought it unworthy of Mr. Shand to say that because they were foreigners their evidence was not of the same value as evidence given by people of our own

race. "Why," said Mr. Windeyer, "at this very moment our future destiny and that of our children lay in the hands of a foreigner. Fagin was a Russian, and even if he did live in a doss-house with other foreigners, was that any reason why it should be said that the Karpenskys and Pura came before the Commission and told lies? These people, being foreigners, are strangers in a strange land, and if their statements contained verbal inconsistencies because of their lack of the English language, that is no reason why their evidence should be discarded."

#### GOLDSTEIN'S FEAR—OF WHOM?

Mr. Windeyer said that in spite of all the ready wit, intellectual activity, and business ability displayed by Davis Goldstein, he still possessed the characteristics of the downtrodden race—that of servility and grovelling to the authorities. The one motive which actuated him from beginning to end of the Commission was fear—fear of the authorities. It had been asked what motive could the Goldsteins have in going to the police after they were clear of the note cases. The reason was that they were frightened of the police and those in authority. It had been suggested that they were afraid of the I.W.W., but if that was so, then it was remarkable that after the close of the trials, two years ago, they had never once asked for police protection. Yet once he turned and went to Judd, Davis Goldstein was terrified lest anything should happen to him.

Louis Goldstein was a dull, stupid man, which accounted for his having the conversation he did with the Karpenskys at the hospital in the early days of the Commission. It had to be remembered, too, that occasionally people talked in a foolish manner. That interview proved that he was going to run with the police because of his fear of what the police might do to those who ran counter to them.

Mr. Windeyer contended that the Commission did not know one-half of what either Scully or Davis Goldstein could tell, but it had been established that they were neither frank nor honest. If they knew more of the case than anybody else there was nothing remarkable in the fact that they should agree as to the names of the men who were innocent and who were guilty. He considered it was established that Davis Goldstein came into the I.W.W. case to save his own skin. McAlister, too, was a proved liar; his daughter's evidence showed that. She could not have got the story about Mr. Fuller at Moss Vale from anybody else but her father.

#### A FANTASTIC STORY ABOUT THE SUITS.

It was remarkable that the police should not have clear memories as to the suits. Turbet's conversation with Pura prior to the Commission being called up. The matter being called up. The dates in Pura's books, if true, were very ugly, and there was no reason to suppose that Pura would have concocted the dates. One could not escape the fact that, whatever Pura might have said, his books at least were honest. Nor did it look nice

for the police to be having receipts from Pura. As a matter of fact, it has been proved before the Commission that Turbet got his receipt before he said he paid the money to Goldstein.

A fantastic story had been woven around the suit transactions. It was suggested that Louis Goldstein was of a delicate nature and a man who would do good by stealth and blush to find it known, and that he had told the police he was getting the suits cheap, when, as a matter of fact, he was paying a higher price for them. Mr. Windeyer said he was not prepared to accept any such suggestion; Louis Goldstein was not the man to do such a thing without informing somebody. If he had paid any difference in the suits to Pura the police would have known.

Leary's notes were remarkable, inasmuch as they did not tally with his diary, and the explanation he gave as to that lacked confidence. Then there was the fact that Foy's statement was excellent corroboration of Leary's statement, yet for some reason it had not been submitted at the trial. Mr. Shand had suggested that Pepper was a reliable witness, and that his evidence was true. But opium smuggling wasn't the only thing which discredited him. There was the matter of his claim to being the inventor of "Pepperite." As far as his evidence was concerned it could be wiped out. His going to the police was remarkable, and he seemed a queer, shady, and mysterious character. Who could believe a man of Scully's tact saying the things alleged by Pepper to have been told to him by Scully?

FORTY-EIGHTH DAY.

FRIDAY, NOVEMBER 1.

Mr. Windeyer, continuing his address-in-reply, said that in view of an opinion that seemed to have gained ground—that he had received information improperly from the Police Department—he desired to state that never at any time before or during the inquiry had any information been disclosed to him, other than through the proper channels. As regards the suggestion made by Mr. Shand that pos-

sibly Mr. Bathgate might have been negligent in his duty as regards the names on the warrant, Mr. Windeyer said that no charge could be laid against Mr. Bathgate, since he could only act on whatever information was placed before him.

After referring to one or two minor matters concerning the evidence, Mr. Windeyer said that at least a new fact had been established as regards Besant—that Pauling, on whose evidence he had been convicted, had not proved himself a reliable or honest witness. As Besant's guilt or innocence depended on Pauling, the establishing of that fact showed that the evidence against Besant was doubtful.

#### MR. WINDEYER SUMS UP.

Summing up, Mr. Windeyer claimed that a good deal of the evidence given by the police had the appearance of having been concocted. McAllister had been shown to be a man with a desire for easy money, and in all probabilities a liar; the Goldsteins had been shown to have given improper evidence, and proved ready liars; while Scully had come into the case because he was afraid, and being under compulsion his evidence in parts at least was exceedingly unreliable.

The prestige which naturally attached to the police force had been woefully shaken. He claimed that their explanation as to why the Goldsteins came into the case was untrue, while it had been proved that some of them were corrupt.

Mr. Windeyer closed his address by referring to the arduous task of the shorthand writers. Over seven hundred pages of closely printed report had been faithfully reported by them. The work done by them in the inquiry was a matter which deserved recognition.

His Honor said he was very pleased to hear what Mr. Windeyer had to say regarding the shorthand writers. After thanking the legal gentlemen, especially Mr. Windeyer and Mr. Shand, for the assistance given in the Commission, his Honor said he would adjourn the Court to consider his report. There would be no more public sittings unless some unusual circumstance demanded it.

Thus, after a sitting extending over ten weeks, was concluded one of the most remarkable Commissions that has ever sat in Australia.