

## Life and death in the dark heart of Melbourne

Somewhere deep within Melbourne's RMIT campus is a full-sized tree growing out of a wall. It's a Port Jackson Fig, roots the thickness of a body-builder's arms and the blue-brick wall they so defiantly grip was once part of a prison. As he shields his eyes to look up at the canopy above, Kevin Morgan simply smiles. "Now, isn't that fantastic?" he says, "Doesn't that just say so much about the tenacity of life?"

Kevin is an expert on life, and death, within the walls of the historic prison now better known as the Old Melbourne Gaol. It was his research, conducted with wife Linda, which led to the Victorian Government awarding the first and only posthumous pardon ever granted in Australia. Colin Campbell Ross, executed in 1922 for the rape and murder of twelve year old Alma Tirtschke, had been hanged an innocent man.

"This is the gaol. It's really nineteenth century, isn't it?" Kevin stands at the entrance to the cellblock, gesturing to its shadowed length as if introducing an old friend, or at least a very familiar foe. All dark stone and imposing weight, he indicates the dim far end, then begins a walk of measured steps towards it. "On the day of Colin's execution, he took this walk. He would have gone up these steps here, the platform was there. He took the cell on that side."

Kevin's words can be formal, much like his manner; he used to be a school teacher and there is still something of the Mr. Chips about him, in his tie and tweed jacket. The clash between his experience of schoolchild behaviour and the incongruous depictions he read of the little girl murdered, is what began all this. "I checked out from school records who Alma was and I'm just not seeing what the Crown were saying," he says, for the prosecution had claimed Alma was in Ross' saloon, drinking, on the day of her murder. "We started to see these contradictions emerge, in particular with Alma's character, which just didn't ring true."

In the case of *R v Colin Campbell Ross (1922)*, hair samples taken from Ross' saloon were said to be from Alma. It was the first case in Australian law to use forensic comparison of hair in securing a conviction. Seventy-five years later, Kevin found that same hair, in the middle of a closed case file. "I took it out and for a long time, just looked at it."

Kevin had not begun his research planning to make Australian legal history, but "when I saw the hair I realised, this investigation had just gone up a notch." Modern DNA testing was inconclusive. Microscopic examination using the same techniques as used in 1922, however, proved beyond doubt the hair was not Alma's. "That was a very powerful statement and I thought, well, I think the attorney general needs to see this."

Visitors to the Old Melbourne Gaol can stand directly in front of the scaffold where Ross was executed. "That is the actual beam, the beam was in use for all executions here," Kevin points out. It is a dank place of cold stone and shadows; to stand and look out, as Kevin does now, is to see exactly what Colin saw in those last moments before death. "It was important, particularly with what they did to Colin. The execution so appallingly botched. We knew this had to be documented."

In his book *Gun Alley: Murder, Lies and Failure of Justice*, Kevin describes Ross' execution in detail; at the end of the rope, Ross probably took between eight and twenty minutes to die. "It was very, very difficult. Very, very difficult to write that," he says, staring out at the lonely stone. For Kevin, this is not a story about history or law, it is a story about people. It is a human story and it needed to be made public.

“We were taking issue with the highest authority of the empire. The Crown no less. It’s not something you would easily decide to do,” he admits. It took more than fifteen years dedication to see it through, yet “every step along the way indicated we needed to persevere, to keep going,” and as Kevin says, “it’s such an important case. It makes people think about capital punishment. About what the real meaning of that is.”

Later, squinting once again in sunlight too bright after the darkness inside, he explains, “bringing the story out, Linda and I see that as very important.” He glances back, just once, to the prison. “This is Colin’s story and it’s Alma’s story as well, and both these people, their stories need to be told.”