



Justice Served?

The murder of Alma Tirtschke and the execution of Colin Ross



with support from RMIT
University School of Law

Content warning: sexual assault,
murder, and execution.

Contents

The crime	2
The scene of the crime	2
Police intervention at the scene of the crime	3
The investigation	3
The trial	4
Forensics	6
Medical evidence	6
Conflicts in the confessions	7
The charge and trial	7
Appeal	8
Execution	8
Re-opening the case	9
Timeline of events	10
A 21st century approach to the case	12
Student discussion questions	14
Further resources	14

The National Trust of Australia (Victoria) acknowledges Traditional Owners of Country throughout Australia and recognise their continuing connection to lands, waters and communities. We pay our respect to Aboriginal and Torres Strait Islander cultures; and to Elders past and present.



Old Melbourne Gaol, by Hin Lim Photography.

The crime

In the early hours of the afternoon on the 31st of December 1921, Alma Tirtschke, aged 12, was sent from Jolimont by her grandmother to pick up some meat from a butcher in Collins St and drop it to her aunty nearby. She never returned home. Her family alerted the police.

The following morning at 6am, Alma's body was found by Mr. Errington and his daughter - who were collecting bottles to sell - in an offshoot of Gun Alley, off Little Collins St. She was dead, having been attacked, sexually assaulted, and murdered by asphyxiation. Alma showed signs of being washed, with much blood removed from her, her hair lay in a way that made it seem that her body was placed there after death, and she wasn't wearing clothes.



Alma Tirtschke

The scene of the crime

Gun Alley was located off of Little Collins Street, near the corner of Exhibition Street. It was situated opposite The Eastern Arcade, a large glass-fronted arcade full of shops like bootmakers, booksellers, a tailor, a barber and a fortune teller, and down the road from The Australian Wine Saloon, owned by Colin Campbell Ross.

Gun Alley featured a small passageway which was 19 metres long, on the left was a corrugated iron fence, on the right was a tall brick wall. There were several rubbish bins along the passageway, and a locked trapdoor drain, upon which Alma was found.



The Eastern Arcade looking towards Little Collins Street. A white-helmeted policeman stands outside Colin Ross's wine saloon, 1922.

Police intervention at the scene of the crime

The police came to the scene, and unfortunately there was no evidence that could directly link to a perpetrator. The crime scene was not left as it was found by Errington, as this was not the practice of the police force at the time. The police wrongly ascertained that post-mortem lividity was bruising; this deduction was reported to the press in the hours after Alma's body was removed to the morgue. This led to widespread belief that Alma was strangled by a ligature.



Gun Alley, 1922.

The investigation

The last place Alma was seen was near the Australian Wine Saloon, a place notorious for being a haunt of criminals, the owner Colin Ross was questioned by the police. Colin Ross was no stranger to the police; he had recently been acquitted of a robbery and shooting, as well as having a previous conviction for stalking and owning an illegal gun. He became a prime suspect.

Leads in the case weren't forthcoming and the press were attacking the police's competence. Police were desperate to solve this murder quickly – they offered a 1,000-pound reward, supplemented by 250 pounds raised by the *Herald* newspaper (\$115,000 total in today's money) for information – the second largest reward ever offered (the first was for the Kelly Gang in the 1800s).*



Frederick John Piggott (left) and John O'Connell Brophy, Melbourne's top detectives, 1922.

**To put that amount of money into perspective, an average skilled trades person (like a carpenter) could expect to receive 6 pounds for a 44-hour work week – that's over 4 years' pay!*

The trial

For a detailed look at the trial, [click here](#) to read T.C. Brennan's recount of it. T.C. Brennan was the Junior Barrister for the Defence at the trial.

The trial of Colin Campbell Ross began on the 25th of January 1922. It lasted until the 25th of February 1922.

Judge: Mr. Justice Schutt.

Prosecution: Mr. H. C. G. Macindoe.

Defence: Mr. G. A. Maxwell with Mr. T. C. Brennan as junior.

The Prosecution's case

Macindoe claimed that Tirtschke had chosen not to collect the parcel from the butchers, and had instead chosen to consensually visit the Australian Wine Saloon, owned by Ross, for a drink, where she stayed from 3pm-6pm, at which point Ross sexually assaulted her and murdered her.

The Defence's rebuttal

Maxwell and Brennan claimed that Ross was at the Australian Wine Saloon all afternoon, as reported by several patrons of the bar.

The evidence presented at trial

Colin Ross

Colin told the police that he had seen Alma briefly but didn't do anything. He offered an alibi too, having spent the night of the murder with a woman. Ross' story matched that of several other witnesses who had seen Alma looking worried. One witness also claimed that a man (not Ross) had been following her. Several wine bar patrons were able to verify Ross' story.

Ivy Matthews

Former wine saloon employee Ivy Matthews (who had been sacked by Ross) supplied police with some damning evidence – that Colin Ross had confessed committing the brutal murder to her. Ivy stated in the witness stand that she had seen Alma in the saloon, drinking from a glass on the afternoon she was murdered. After reading of the murder the following day, she went to confront Ross on Little Collins Street; he nearly immediately admitted to the attack and murder.



He said, first of all, "After Stan went, I got fooling about with her, and you know the disease I am suffering from, and when in the company of young children I feel I cannot control myself. It was all over in a minute."... "After it had happened, he said that he had a friend to meet—a girl friend. He took the body of the little girl and put it into the beaded room [of the Wine Saloon], and left it wrapped up in a blanket, and at nine o'clock, or half-past nine he brought a girl named Gladys Wain there. She stayed until ten o'clock. He took her home at ten o'clock, and came back between ten and half-past, after seeing her to the station or tram, and removed the body from the beaded room into the small room off the bar. He then went to Footscray by train, but came back again between one and two a.m. I asked him how he got back, and he said he came by motor car, and went in there and looked for a place to put the body. He first thought of putting it in the recess alongside the wine cafe, but that the 'Skytaliens' would be blamed for a thing like that. Then he thought he would put it in Mac's room (that is room 33 opposite, occupied by a man named McKenzie). I said what an awful thing to do. He said: 'I did the very best thing. I put it in the street.'

- Ivy Matthews testimony excerpt from *The Gun Alley Tragedy: Record of the Trial of Colin Campbell Ross* by T.C. Brennan, Barrister-at-Law

T.C. Brennan notes that Ivy was fired following a shooting at the Wine Saloon, as she gave evidence that made Ross appear guilty, he was acquitted. Brennan also notes that there were inconsistencies between Matthews' initial testimony to police, and what was said on the stand, including the location (the door of the Wine Saloon, or Little Collins Street) and wording (did Ross suggest they could be heard by people in the arcade?) of the discussion Ross and Matthews had that resulted in his confession.

Olive Maddox

Olive Maddox, a sex worker, reported to having seen Alma in the Wine Saloon on the day she was murdered, stating she was in a beaded room with several men.

“

There were, she said, a couple of strange men also in the room. The two men were near the entrance, and the girl was near the corner. After talking to Harrison for a time, she came back into the bar to her friend, and seeing Ross, she said, "Hello, Col., she is a young kid to be drinking." He replied: "Oh, if she wants it she can have it."

- Olive Maddox's testimony excerpt from *The Gun Alley Tragedy: Record of the Trial of Colin Campbell Ross* by T.C. Brennan, Barrister-at-Law

T.C. Brennan was skeptical of the information provided, as Maddox's interaction with the police only came after she had spoken to Ivy Matthews, who she knew well as a regular patron of the saloon.

“

In her cross-examination Maddox admitted that she knew from the papers the description of the little girl's dress, and that it was after she had had a conversation with Ivy Matthews on the subject that she informed the police.

- *The Gun Alley Tragedy: Record of the Trial of Colin Campbell Ross* by T.C. Brennan, Barrister-at-Law

Sydney Harding

Sydney Harding, an inmate at the Melbourne Gaol, also provided evidence, stating that while Ross was in Gaol with him in January, he confessed in great detail the crime. Harding was pardoned and received 250 pounds after providing this testimony. Sydney Harding had a previous conviction for perjury.



Forensics

On the 12th of January, when Ross was arrested, police searched his home. There they found strands of hair on his bed that appeared to them to be identical to Alma's hair. These were examined by Charles Price, a government scientist who was trained as a chemist, not a forensic analyst. When he was called to give evidence at the trial, he stated that the hair was more likely to have fallen from the head of a regular visitor to the house, such as Ross' girlfriend. After this, he finished his testimony in contradiction of this statement, instead saying that the hair matched Alma Tirtschke's hair. This contradiction was not addressed by the Judge.

Brennan protested this evidence, requesting that the hair be examined by a scientist trained in forensics, Judge Schutt refused.



Hair specimens shown to the court in 1922

Medical evidence

The post-mortem of Alma was done within 16 hours of her passing at most and revealed injuries consistent with sexual abuse and strangulation. Her stomach did not appear to contain any alcohol, which according to contemporary advice means that she was unlikely to have drunk any in the day leading up to her murder.

Conflicts in the confessions

When looking side by side at Maddox and Harding's confessions, there are several key differences that should be noted.

Subject	Maddox	Harding
Did Alma drink alcohol at the Australian Wine Saloon?	"The child came up and asked him for a drink. He gave her a glass of lemonade and took her into the cubicle."	"When the child got opposite his place he spoke to her, and she took no notice of him at first. He said: "You have nothing to be afraid of; I own this place, and if you are tired you can come in and sit down." She went in and he took her into the cubicle and induced her to take three glasses of sweet wine."
How did Colin get back from Footscray after dropping off Gladys Wain?	"I asked him how he got back, and he said he came back by motor car"	"I said: "Did you go back by car?" He said, "No"; he had a bike. I said: "A motor bike?" He said: "No, a push bike."

The charge and trial

Based on the evidence that Matthews reported to police, on the 12th of January 1922, Ross was charged with the rape and murder of Alma Tirtschke. This was the first time in Australian judiciary history that microscopic analysis of hair was used as evidence in a trial – the evidence was based on a microscopic examination of the hair found and a sample of Alma's hair and by modern standards was quite primitive. Despite his pleas of innocence, Ross was found guilty by the jury and sentenced to death. This news was celebrated by the public.

“

Ross had been tried by public opinion before the jury went into the box. Mr. Maxwell (barrister appearing for Ross) had significantly said: 'It is not the evidence here I fear, it is the preconceived opinion'... the extraordinary publicity given to the charges made it impossible for any average collection of men to clear their mind of convictions on one side or the other.

- *Midnight Sun, 31 December 1922*

Appeal

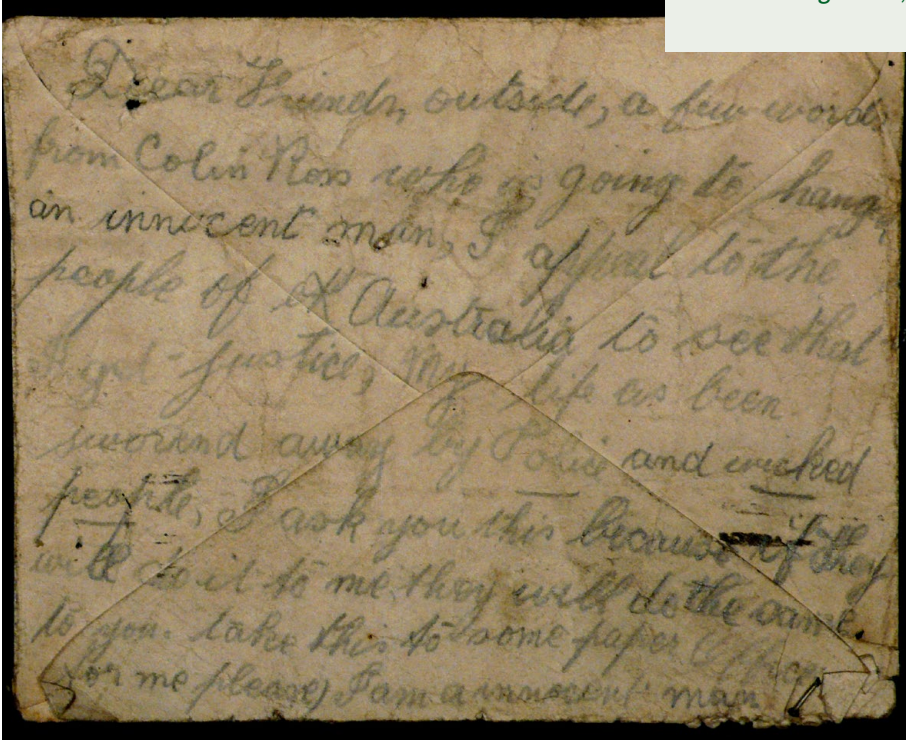
There was no formal appeal, Judge Schutt stated that Ross' guilt was proven beyond any doubt.

Ross, awaiting his execution, wrote a letter proclaiming his innocence and pleading with the public to help him:

“

Dear friends outside," it says. "a few words from Colin Ross who is going to hang an innocent man. I appeal to the people of Australia to see that I get justice. My life has [sic] been sworn [sic] away by Police and wicked people. I ask you this because if they will do it to me they will do the same to you take this to some paper office for me please, I am a [sic] innocent man.

- Midnight Sun, 31 December 1922



Envelope with letter written by Colin Ross while in Gaol 1922.

He threw it over the wall of the Gaol, and a passer-by gave it to the press. It didn't do any good.

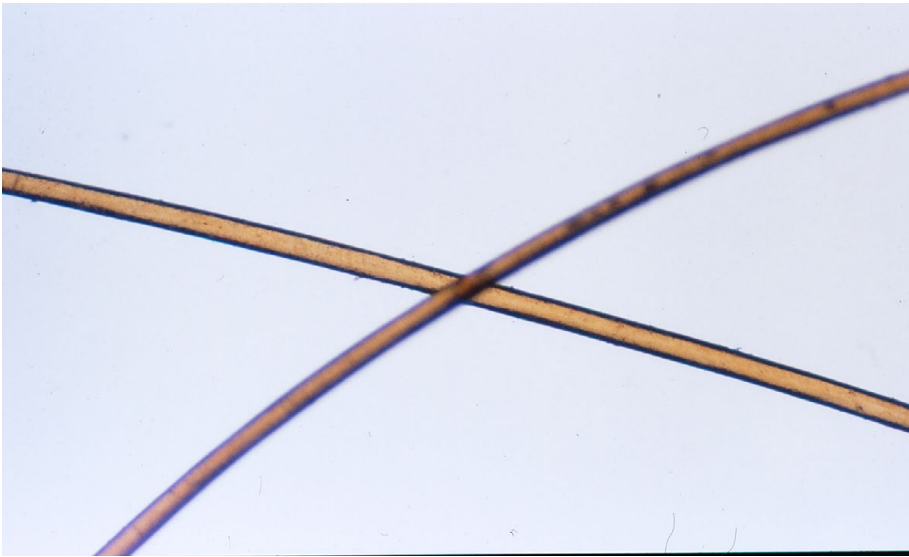
Execution

On April 24th, 1922, Colin Campbell Ross was marched up to the gallows, his final words were:

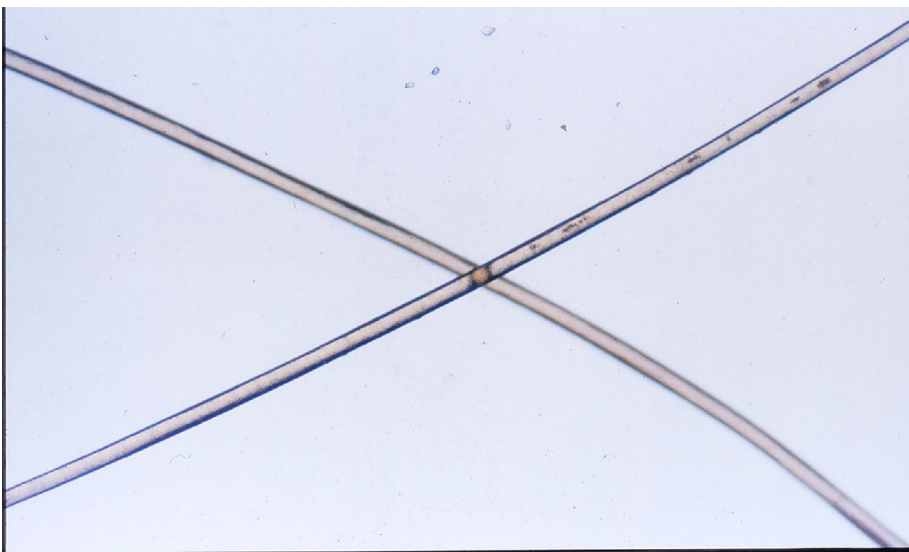
“

I am now face to face with my Maker, and I swear by Almighty God that I am an innocent man. I never saw the child. I never committed the crime, and I don't know who did. I never confessed to anyone. I ask God to forgive those who have sworn my life away, and I pray God to have mercy on my poor darling mother, and my family.

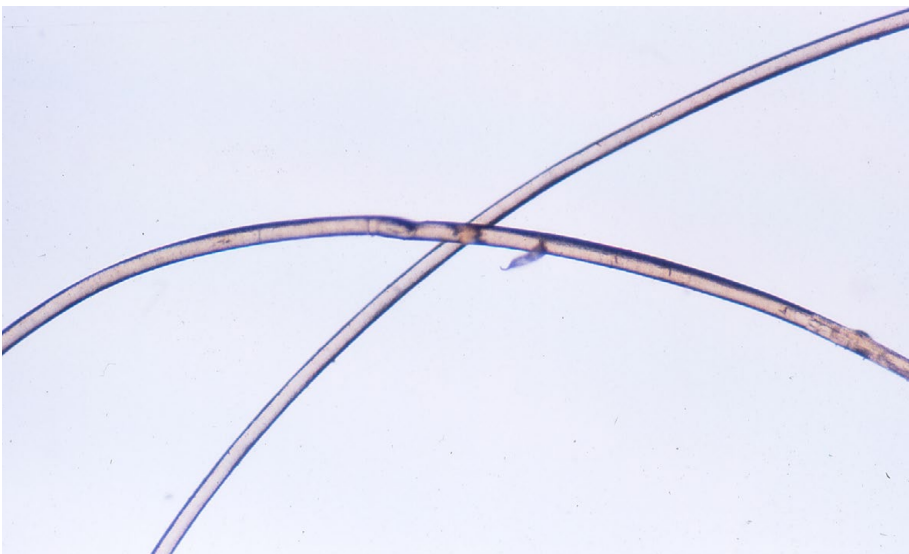
His death was not swift and was considered quite brutal. The Gaol had decided to experiment with a new 4-strand rope (usually a 3-strand rope was used). Due to the nature of this rope, the rope didn't slide through the noose easily and Ross didn't die immediately as his neck was not broken.



Microscopic hair sample of Alma Tirtschke



Microscopic hair sample of Gladys Wain



Microscopic hair sample from the blanket found at Ross' house

Re-opening the case

Ross' story doesn't end with his death, as over 70 years later in 1993, author and historian Kevin Morgan became interested in the Gun Alley murder case. He researched the information in hopes of uncovering the truth. Morgan happened upon 6 testimonies of bar patrons that proved Ross was in his saloon – this information had been kept from the jury. A few years into his search for evidence, Morgan discovered the hair samples that had been the nail in Ross' coffin in a file at the Office of Public Prosecutions.

Morgan got the hair samples tested using the latest DNA testing, and the results came back that the hair was not a match. This evidence was used to pardon Ross on the 27th of May 2008, with living relatives of both Alma Tirtschke and Colin Ross present. This was the first and only ever posthumous pardon of an executed criminal in Australia.



A pardon means, 'I am forgiving you for something you have done'. Shouldn't it rather be an exoneration, which means, 'I accept you didn't do this in the first place'?

- Joan, Alma's second cousin, 2008

Timeline of events

30 December 1921, 12.30pm

Alma Tirtschke was sent from Jolimont by her grandmother to fetch meat from a butcher in Swanston Street, to be delivered to her Aunt Maie Murdoch's house in Collins Street.

30 December 1921, 1.15pm

Alma arrived at Bennet and Woolcock's butchers.

30 December 1921, 1.30pm

Alma left the butchers, after waiting for the parcel.

30 December 1921, 2.30-3.00pm

Alma was seen alive, on Little Collins Street not far from Gun Alley.

30 December 1921, dinner time

The police were notified after Alma never arrived at her aunt's house (a short walk from the butcher) and did not return to Jolimont. They proceeded to call local hospitals, but none reported a sign of Alma.

30 December 1921, 6pm

The Australian Wine Saloon, owned by Colin Ross, closed. Ross proceeded to go home. Other shops in the Eastern Arcade stay open for late night shopping.

30 December 1921, 8pm

Alma's Uncle John Murdoch, and Aunt Alice Scott visited the Russell Street Police Headquarters to report Alma missing, but they were advised not to worry, and to return home.

30 December 1921, 9pm

Colin Ross met Gladys Wain, they visit a café, and he then dropped her home and caught a train home himself, arriving home before midnight. He slept in the same room as his brother who accounted for this.

31 December 1921, 1am

A sex worker leaves Gun Alley, where she had been standing.

31 December 1921, 1-2am

Beat constables take a tea break at Town Hall, meaning their posts were left unmanned.

31 December 1921, 6am

Henry and Eva Errington discover the body of Alma Tirtschke in Gun Alley.

31 December 1921, 6.15am

Senior Constable Salts and Constable Mason arrived at Gun Alley in a motorcar. They sent for Senior Detective John Brophy on realising the seriousness of the crime. Alma's body was removed from Gun Alley to the morgue.

31 December 1921, 9am

Brophy enlisted Senior Detective Piggott to assist in the case. Piggott views the scene of the crime for the first time, which was left open to members of the public to enter.

31 December 1921, 7am

Dr Mollison performs an autopsy, determining Alma's cause of death was asphyxiation, that she suffered a sexual assault, that her body had been washed after the assault, and that she likely died between 6pm and 10pm on 30 December 1921.

31 December 1921, midday

Colin Ross was questioned by detectives at the Australian Wine Saloon. He cooperates and notes that he saw Alma in the Arcade, looking in shop windows. His story stays consistent up until the time of his death.

31 December 1921, all day

Police made inquiries and searched houses in the vicinity of Gun Alley. The house with a window that overlooked the spot Alma was found reported hearing nothing. A sex worker reported being in the spot Alma was found until 1am on 30 December, meaning Alma was placed there after that time. The search of the houses in the area took 48 hours to complete.

3 January 1922

Alma Tirtschke was buried at Brighton Cemetery after a short private service at her uncle and aunt's home in Hawthorn.

4 January 1922

The Board of Works unlocked the drain Alma was found lying on, for police to search. Sewers, roofs, and shafts in the vicinity were also searched for the first time. Nothing was found.

4 January 1922, late afternoon

A 250-pound reward was announced by the treasurer for information leading to the arrest of Alma's murderer. The newspapers ridiculed the low amount. Fearmongering by newspapers lead to a slew of false reports made.

5 January 1922, 8am

Colin Ross was taken to Russell Street headquarters to be questioned, his interrogation lasted 8 hours. 3 other business owners from the Eastern Arcade were also questioned. Rumours swirled that they had been arrested (they had not). Crowds flocked to the Arcade, protesting loudly, thinking that one of the men was still inside - the Arcade and Gun Alley were closed to the public. Later that day, Ivy Matthews was questioned and she said she knew nothing. Ross and the other interviewees were all released without charge.

9 January 1922

The Argus reports that many sensationalists were discarding buttons and ribbons around the murder site.

9 January 1922

The Herald newspaper posted its own reward - 250 pounds.

10 January 1922

Cellars beneath the Eastern Arcade (opposite Gun Alley) were searched for the first time. Nothing was found.

11 January 1922

The government raised their reward to 1000 pounds.

11 January 1922

Later, evidence was provided by Ivy Matthews that incriminated Ross.

12 January 1922, 10am

Colin Ross was arrested for the murder of Alma Tirtschke. Police came into his home and found blankets that had been on a chair in the Saloon on the day of the murder, apparently with visible golden hair (like that of Alma's). The blankets were taken in the police car and placed on a desk at the police station.

13 January 1922

Ross appeared in the city court, for a hearing, he was denied bail, and was refused his request to hear from his witnesses who had attended the hearing. He was taken to the Melbourne Gaol to await trial.

13 January 1922

The Government Analyst was given the blankets from Ross' house, having been brought in by detectives and placed on his desk.

17 January 1922

A government photographer took photos of Gun Alley to be used in the trial.

21 January 1922

Colin Ross was remanded to appear at the inquest into the death of Alma Tirtschke.

25 January 1922

The coronial inquest and trial into the death of Alma Tirtschke begins.

25 February 1922

Colin Ross was found guilty of the murder of Alma Tirtschke.

24 April 1922

Colin Ross was executed at the Melbourne Gaol.

27 May 2008

Colin Ross became the first person to be posthumously pardoned in Australia, by the Governor of Victoria, Professor The Hon David de Kretser.

A 21st century approach to the case

The following section was written by Dr Lisanne Adam, a criminal law academic from RMIT University.

Modern police approach

If the murder of Alma Tirtschke were investigated today, Victoria Police would be required to secure and preserve Gun Alley as a protected crime scene, preventing contamination and maintaining continuity of evidence. Contemporary policing standards reflect the obligation to preserve potentially probative evidence and to ensure reliable forensic reconstruction.

Crime scene contamination can lead to unreliable prosecution evidence and, for instance, contaminated or erroneous interpretation of DNA samples have led to miscarriages of justice (see the case of [Farah Jama](#)). In 2025, the Western Australian District Court handed down [a ruling](#) addressing DNA contamination caused by investigators who were executing a search warrant. The Court found that contaminated DNA evidence could not rationally affect the probability of a fact due to its diminished probative value to the case.

To ensure that the evidence gathered could be relied upon in court, modern day policing would involve conducting a comprehensive forensic inquiry, including DNA analysis of hair, bodily fluids, clothing, drains, and surrounding surfaces. Hair comparison evidence would only be relied upon if DNA testing confirmed a match as a microscopic similarity alone lacks probative value. Expert forensic evidence must meet admissibility standards requiring specialised knowledge and a reliable scientific basis. The High Court has evaluated the reliability of expert witness interpretation of science and has found that an expert needs to provide their [interpretation based on their expertise](#). A chemist conducting a DNA analysis would unlikely be able to provide expert evidence on their analysis on DNA if they are not trained in that specific skill.

Contemporary investigative standards emphasise corroboration and the testing of alternative hypotheses, rather than early fixation on a single suspect, to avoid confirmation bias that [increase the risk of wrongful convictions](#).

Presentation of evidence in court

Any alleged confession made by Colin Ross to Ivy Matthews or Sydney Harding would be treated as an “admission” and subjected to strict scrutiny under the Victorian evidence laws and the common law. A court would be required to exclude an admission obtained in circumstances making it unreliable, including [where the witness has motives to fabricate](#) or where the admission is uncorroborated. Further, even if technically admissible, the court must exclude such evidence if it would be [unfair to the accused to admit it or the admission was improperly obtained](#).

Harding’s jailhouse confession evidence would be particularly vulnerable to exclusion because it was incentivised by a pardon and a monetary reward. Courts recognise that [prison informant evidence presents a high risk of fabrication](#) and must be approached with caution, often requiring corroboration and such evidence would necessitate a warning to the jury about relying on [potentially unreliable evidence](#).

Forensic hair evidence would only be admissible if presented by a properly qualified expert and if the methodology were scientifically reliable. The contradictory testimony given by Charles Price at Ross’s trial would now [risk inadmissibility](#) or, at minimum, significantly diminish weight.

Medical evidence indicating that Alma had not consumed alcohol would be directly relevant to assessing the credibility of prosecution witnesses who claimed she drank wine at the saloon. Such evidence would be admissible as expert opinion and would bear upon the reliability of eyewitness testimony.



Guilty beyond reasonable doubt?

Applying the contemporary criminal standard of proof, the evidence would almost certainly be insufficient to establish guilt beyond reasonable doubt. The prosecution case would lack a reliable forensic nexus between Ross and the crime, relying instead on inconsistent, incentivised, and uncorroborated testimony. Victorian law requires that circumstantial cases be assessed as a whole and that guilt be the [only rational inference open on the evidence](#).

Given the likely exclusion or weakness of the confession evidence, the unreliability of the hair evidence, and the existence of alternative explanations consistent with innocence, a jury acting reasonably would be required to acquit.

Likely outcome today

In a modern Victorian prosecution, it is likely that charges would either not be laid or would be discontinued by the Director of Public Prosecutions due to a lack of [reasonable prospects of conviction](#). If the matter proceeded to trial, exclusion of key evidence would render the prosecution case untenable, leading to acquittal.

Sentence if found guilty

If, contrary to expectation, Ross was convicted for murder today, the offence would fall under s 3 of the Crimes Act 1958 (Vic). Capital punishment having long been abolished, the mandatory sentence would be imprisonment, with a [non parole period to be fixed by the court](#). In addition to the murder charge, sexual assault of a child under the age of 16 is punishable by [10 years](#)

[maximum](#). In addition to the imposed sentence, it would be likely that a [Sex Offender Registration Order](#) will follow.

Broader observations

The Gun Alley case illustrates multiple systemic failures now guarded against by criminal procedure including; inadequate disclosure, unreliable forensic science, prejudicial media coverage, and the absence of meaningful appellate review. We now have the right to [subsequent appeal](#) to capture cases where fresh and compelling evidence, that was not available during trial, would stagger a case. It is also possible for the court to [impose a suppression order](#) to avoid prejudicial reporting potentially influencing a juror.

Modern fair trial guarantees emphasise judicial directions on unreliable evidence, transparency of police investigations and the accused's right to test the prosecution case.

The posthumous pardon

The 2008 posthumous pardon granted to Colin Ross acknowledged that the conviction should not have been recorded. Legally, [a pardon forgives the offence](#) but does not amount to a declaration of factual innocence. The Ross pardon was therefore symbolic rather than corrective.

This distinction was demonstrated by the Kathleen Folbigg case. [Folbigg was granted a pardon by the NSW Attorney-General in 2023.](#) Despite the finding that she was 'morally and technically innocent' of fatally smothering her four children, the pardon did not demonstrate factual innocence. It was not until six months later that the charges were dropped against her which led to a finding of innocence and enabled her to seek compensation for serving 20 years in prison for a crime that she did not commit.

A pardon is welcome step towards symbolic recognition that justice was not served in an individual case. However, it does not erase the conviction and does not entitle a person to compensation for their wrongful conviction. In addition to this, whether it is exoneration or pardon, we must not underestimate the difficult path forward for exonerees who need to [overcome stigma, psychological trauma alongside practical challenges.](#)

Student discussion questions

- If you were a juror, would you find the evidence provided enough to prove guilt?
- What was the point of providing a pardon?
- Was justice served?
- If things went differently and Ross wasn't found guilty, do you think the crime could have been solved given the tools available to police in the 1920s?



Further resources

[Gun Alley: Murder, lies and failure of justice by Kevin Morgan.](#)

[The Gun Alley Tragedy: Record of the Trial of Colin Campbell Ross by T.C. Brennan, Barrister-at-Law](#)

[ABC News – Executed Man's Remains Returned Home](#)

[The Twist – ABC – Gun Alley Murder, YouTube video.](#)

[Public Records Office – Kevin Morgan on Colin Ross, YouTube video](#)

[Griffith University Innocence Project podcast](#) (available on Spotify and Apple Podcasts)

[ABC Radio National, 'Wrongful convictions, reasonable doubt'](#) (Podcast episode, 30 December 2020)