

Murder of Norma Rhys McLeod

15 Mandeville Cres, Toorak

Monday - 9th September 1929

Overview by C. Bezzina Retired Detective Senior Sergeant

Introduction

I have been asked to review archival documents relative to the unsolved murder of Ms Norma Rhys McLeod. At the conclusion of which to offer an opinion based on my findings being a subject matter expert in suspicious death investigations.

I spent a total of seventeen years as a specialist investigator of suspicious deaths in Victoria. In all, I was a member of the Victoria Police Force for thirty seven years. In total, twenty five years as a specialist investigator in various fields of major crime.

In the true sense of policing, Victoria adopted the London Metropolitan Policing model that was introduced by Sir Robert Peel in London in July 1829. This was when the Metropolitan Police Act was passed by the London Parliament. In turn, Victoria Police was formed in 1853 based on the policing model in London.

As time went on, given the low population and low crime rate in Victoria, police command saw no need to introduce specialist crime investigators for some considerable years. As the population grew along with the crime rate it was not until 1943, when a specialist Homicide Squad was formed.

Up until that time, the investigation of all suspicious deaths fell within the jurisdiction of local detectives. Whilst they were seasoned investigators in all walks of crime they were not specialists in any one given field of crime investigation.

As so happened, the suburb of Toorak fell within the jurisdiction of the Melbourne Criminal Investigation Branch which was based at Russell Street, Melbourne.

Reported crime processes to this day have changed very little. The first police who attend any reported crime is the local uniform branch, as was in this case. Once the uniform police officer establishes that it is a major crime, detectives are then advised who then take over the investigation. The suspicious death of Norma Rhys McLeod was no exception to this.

Approximate Time Lines

In my view, as was the investigators at the time, timing in this investigation has played a crucial role. I have examined in particular the Police Report Files followed by evidence given at the Inquest. Time variances in witness statements and during evidence is to be expected given that in times of stress little notice is paid to actual times of events as they are unfolding. The most accurate times given in reflection after a stressful situation are times that are related to another occurrence. For example, "I knew it was 1230 as we always have lunch at 1230." Likewise if there was an alternate

time it would be recalled as it would be outside the normal routine. If not a recollection by custom a recollection of doing something outside customary practices.

I will look at the various times given by witnesses in order to try and identify:

- (a) A window of time for the murder and setting of the crime scene.
- (b) Location of members of the family.

All times referred in records and by witnesses are all approximates and the 24 hour system is used.

Police Criminal Offence Report

| | |
|-------------------------------|---|
| | 1230- Norma McLeod-Lunch at home Edith Mc Leod Norman McLeod |
| | 1330- Norman McLeod-Leaves for city |
| | 1400- Edith McLeod-Leaves for shops |
| Dr Thwaites | 1430- Edith attends practice - Attends scene 1430- Inquest evidence Edith at surgery |
| Dr Davis | 1615- Attends scene sometime later 1615- Inquest evidence, attend scene |
| Edith Williams (Cousin/Golf) | 1330- Receives call from Norma for golf - Inquest evidence, just before 1330 receives call from Norma 1355- Inquest evidence calls Norma, no answer 1405- Inquest evidence, last call to Norma 1445- Inquest evidence arrange to meet golf course - Telephone Norma, no answer - Second call to Norma, no answer 1405- Third call to Norma, no answer Looks at clock end of third call 1430- Agree meet Elsternwick Golf Course 1445- Second statement meet for golf 1500- Inquest evidence, arrive golf course 1500- At Golf Course, fourth call no answer 1630- Arrives home from golf course |
| Edith McLeod (Mother) | 1230- Lunch at home 1300- Finish lunch 1400- Leaves for shops 1230- Inquest evidence lunch 1300- Inquest evidence finish lunch 1400- Inquest evidence leaves for shops - Inquest evidence N/K time return - Inquest evidence, agrees would take up to an hour for shop visits and return |
| Margaret Gwilliam (Neighbour) | 1400- Neighbour front room coffee to 1430- |

- Inquest evidence, lunch at usual time
- Inquest evidence. As usual went to sitting room for coffee after lunch
- Inquest evidence. Can't say exact time went to sitting room for coffee
- Inquest evidence. Lunch was later than usual that day
- Inquest evidence. Usual lunch at 1300
- Inquest evidence. That day lunch would have been 1340 or 1345
- Inquest evidence. In sitting room to 1415-1430

Norman McLeod (Father)

- 1240- Lunch
- 1300- Finish lunch
- 1330- Leaves for city
- 1615- Returns home
- 1618- Second statement returns home
- 1230- Inquest evidence. Lunch
- 1300- Inquest evidence Finish lunch
- 1315- Inquest evidence leave for city
- 1400- Inquest evidence arrives city
- 1615- Inquest evidence return home
- 45mins Inquest evidence round trip to shop

Ida Reed (Cake Shop)

- Pastry shop. Recalls Edith coming into shop once that afternoon. Time not known.
- 1330- Inquest evidence. At pastry shop to 1430
 - Inquest evidence. Sees Edith at shop time N/K
 - Inquest evidence. Edith had not been to shop twice on the Monday
 - Inquest evidence. Edith at shop on two occasions on the Monday

Francis Gray (Produce Store)

1330- Grimlington Store. Did not see Edith
1430
1330- Inquest Evidence. At shop to did not
1400 see Edith

Frederick Hart (Butcher)

1320- Butcher. Cannot recall seeing Edith
1445
1330- Inquest Evidence. At shop did not
1430 see Edith

Thomas McDonald (Constable)

1745- Constable receives telephone call
1745- Inquest evidence receives call
1400- Inquest evidence, Edith leaves
1530- Inquest evidence, Edith returns
1330- Inquest evidence Norman left for
city
1400- Inquest evidence Edith leaves for
shops
1500- Inquest evidence Edith returns
1330- Norman confirms his time leaving
1400- Norman relays time Edith left
1500- Norman relays time Edith returned
1530- Inquest evidence Edith returned

Arthur Lee (Detective)

2000- Detective at scene
1400- Norman relays time Edith left
- Norman relays "only away short
time"
1400- Edith says left house
1430- Edith says she returned between
1500
2000- Inquest evidence. Attend scene
1400- Inquest evidence, Norman states
Edith went out 1400 away a short
time.
1400- Inquest evidence, Edith left house
returned between 1430 and 1500
- Inquest evidence, police walk to
shop/return time 45-50 minutes.

Window of Opportunity

The important break down of the above times in my view are the following:

- Lunch at McLeods commences at 1230 - Consistent evidence Edith/Norman McLeod both in statements and evidence at Inquest. Not independently supported.
- Lunch at McLeods concludes 1300 - Consistent evidence with Edith/Norman McLeod both in statements and at Inquest. Not independently supported.
- Call made to Edith Williams by dec. just prior to 1330 to play golf - Consistent evidence with Edith Williams both statement and Inquest.

Last confirmed evidence that Norma McLeod is alive and well at approximately 1330. It is my opinion that the fatal blow was struck to the head of Norma McLeod sometime between 1330 and 1400. This is supported by the fact that Edith Williams then makes a further three calls to the McLeod home from shortly after 1330 and to 1405 with no answer. The only possible reason Norma was unable to answer the telephone was that she was incapacitated. Also the fact that Norma was expecting a call back from Edith. This was based on the stipulation that Edith did not have her shoes. Hence the three initial call backs from Edith to Norma to confirm meeting at golf course, then a fourth call when Edith was at the golf course.

It is interesting to note that the distance between Mandeville Cres Toorak to the Elsternwick Golf Course is between 5.6 kilometres via Orrong Road (17 minutes today). 7.2 kilometres via Kooyong Road (21 minutes today). Tram via Orrong Road/Malvern Road (36 minutes today). Conservatively speaking time travel between 17minutes and 30 minutes.

As an estimation, Norma would have needed to have left her home no later than 1415 or thereabouts to arrive at the Elsternwick Golf Course by 1445. Time as amended by Edith Williams from 1430 to 1445.

Family Members Alibis

Edith McLeod (Mother)

Maintained that she left the home at 1400 and returned home 1430. The return time altered at the inquest stating that she did not know what time she returned. The change of heart regarding this may have been her acknowledgement that the trip to the shops would have taken her at least one hour.

Initially there was no corroborating evidence to support the assertion that she in fact went to the shops. Support to her claim came some days later from a 15 year old shop assistant.

Edith has stated that she went to the following establishments. The groceries allegedly purchased and placed on the kitchen table were not seen by anyone nor inquired further by the police.

- Baines Butcher Shop
Witness Frederick Hart has stated that he knows Mrs McLeod as a customer who comes to his shop twice a week. He cannot recall seeing her on that day.
- Bostons Cake Shop
Witness Ida Reed has stated that she recalls Mrs McLeod coming into the shop in the afternoon but could not place a time. It wasn't until the inquest when Ms Reed further stated that Mrs McLeod came into the shop a second time. Ms Reed was able to also identify what Mrs McLeod had purchased.
- Grimlington Produce
Witness Francis Gray knows Mrs McLeod as a customer but does not recall seeing her on that day.
- Italian Green Grocer
There are no documents to identify if police spoke to the store attendants for that day.
- Margaret Gwilliam (Neighbour)
Enters the kitchen and does not see anything on the table where Mrs McLeod stated she left the groceries.
- Dr Johnstone Thwaites
Is alerted to the situation by Edith McLeod at his surgery. He has stated that it was approximately 1430. The doctor does not relate the time to any particular occurrence. I would suggest he may have related to his patients at the time. Not knowing this as a fact I would place weight on the doctors time estimation. Further to that he places a time of 1515 when he returned to the scene after clearing his surgery.
- Constable McDonald
States he made an examination of the house and all appeared in order. No mention of seeing groceries on kitchen table.

Norman McLeod (Father)

He initially states he left for the city at 1330 and at Inquest suggests he left for the city at 1315. Arrives city 1400. States he purchased a ticket for a motor trip to Healesville for Norma. Nothing to indicate this being supported. Also that he visited his son unannounced in the city. Nothing to indicate that this in fact occurred.

Rhys McLeod (Son)

No documents in file to indicate that Rhys was ever spoken to by police.

Police Investigation

The police investigation appears to have followed police protocol but gaps have been identified. That is not to say the gaps were not in fact carried out as I do not have access to the investigation file.

The most important aspects of any suspicious death investigation is to:

- Establish if a crime has been committed
- Confirm the identity of the deceased
- Establish cause of death
- Identify any motive for the death
- Endeavour to eliminate or reduce any hypothesis that any other person may be responsible for the death apart from the accused
- Identify person(s) who may responsible for the death
- Gather sufficient evidence to support any allegations against persons of interest
- Establish if the evidence gathered would be sufficient for a jury to find that the death was caused by the accused person beyond reasonable doubt

Every person associated to the deceased becomes a person of interest until such time as they can be eliminated as having no hand in the murder. Equal consideration is given to un-associated person(s) to the deceased or opportune offender. The most obvious commencement starts with the person who found the body. This then leads to the family unit, friends and associates of the deceased. Importantly, the crime scene along with the body will tell its own story which may give investigators the first lead. Investigators will always form theories, hunches, possibilities and gut instinct. Then comes the need to build on these to build the case while keeping an open mind.

Scene

In this case, the description of the crime scene is strongly indicative that the deceased knew the killer. As has been stated in the file, an unknown offender caught in the act would rarely if at all place the deceased person on the bed as found. An unknown offender having inflicted a serious

blow to a persons' head would not remain but flee immediately. Nor would they have placed wet material on the forehead and the head on a pillow that was taken from the counterpane. This may also be a sign of contrition by the offender. In cases where the deceased may know the offender, the offender would need to ensure the non-survival of the deceased so as to avoid identification. In such circumstances more injuries are inflicted after the initial blow to ensure death but it was not the case here. No layperson can judge the extent of any head injury and it may have been believed that the person is just knocked out without lasting effect.

Post Mortem

During post mortem examination, the pathologist, apart from identifying a cause of death looks for any other injury the deceased may have. Possible defensive injuries such as raised arms, binding injuries to incapacitate, signs of sexual assault and so on. No such injuries were identified but I am perplexed by the pathologist's comment"no other external marks of violence of any import" (sic). Can it be read that there were marks of violence but not of any import (sic) or were there no signs of violence? Not sure what to make of that. Accident or misfortune was ruled out given the severity of the blow to the head.

Given the absence of any defensive injuries and the fact that the blow was struck to the top of the head also supports the theory the deceased knew her killer. The most obvious to my mind is that the deceased may have been seated at the time.

Progressing Investigation

Once accident/natural causes or misadventure are ruled out persons needed to be interviewed by way of statements. Witness statements need to be corroborated as best they can to place credibility on the contents. This goes hand in hand in supporting alibis to place persons at locations when the offence took place.

One major starting point is who was the last person who saw or heard from the deceased. That identifies the time arena against witnesses. In this case quite creditably, the deceased was last alive at approximately 1330. (Phone call to Edith Williams)

Crimes in the area were also identified to look at the possibility of the burglary theory.

The only statement that corroborates Mrs McLeod as being away from the home is 15 year old Ida Reed from the Boston cake shop. Yet, she is unable to place a time on Mrs McLeod's attendance at the shop. What is credible though is Reeds evidence that Mrs McLeod was at the shop on two separate occasions on that day.

I cannot identify a statement from anyone at the Italian Green Grocer which would have been another avenue of inquiry.

The investigators needed to either negate or support Edith McLeod's alibi. Today's techniques rely heavily on door knocks which would have been done along the route to the shops. Also at houses in Mandeville Cres. This may or may not have formed part of the investigation file.

There appears no evidence regarding the cricket bat, it was clearly seized by police but was it examined, did the pathologist view the bat to offer an opinion as to the blow and the bat, was it fingerprinted. Forensic processes in those days would have been just fingerprints and visual examination.

Unsure if telephone calls could have been interrogated in those days or not, even to the extent of identifying calls made.

I don't believe investigators held back in making Edith McLeod the prime suspect, regardless of the status of the family or connections they may or may not have had. What I did find was a lack of vigorous cross examination at the inquest of witnesses especially Mr and Mrs McLeod.

Why was the alibi of Norman McLeod not followed up regarding the purchase of the ticket to Healesville? What about an interview of the son, Rhys, was he in fact at work, did Norman visit him at work? All of this should have formed part of the police and inquest briefs.

Letters and Phone Messages Received

Unlike today, the report of a murder in 1929 would have generated significant news, especially in the affluent suburb of Toorak. Similar to the "The Society Murders" some years ago.

During any such investigation, investigators need to be guarded as to what they release to the media as it is always prudent to keep some significant points regarding the offence confidential. This allows the elimination of nuisance anonymous information and credible information that may be received. It is always a possibility that the offender may contact police anonymously for reasons known to themselves. Depending on the information received will dictate the seriousness that the information is reacted to.

As in this case, contact by members of the public both identified and anonymous is not unusual. It is then up to investigators to interpret the worth of the pieces of information. This in turn dictates how many resources are dedicated to the information and identifying the source.

In the case of those that volunteered theories I have placed little reliance on them as crime even to this day continues to fascinate. More often than not this information is not malicious but a genuine effort to be of assistance.

The "Asmodeus" letter is of interest given it was written so soon after the murder. Unfortunately, it appears to me that the investigators have released significant information to the media that the writer has referred to. Unfortunately, the Fingerprint Bureau of the day did not have the expertise to fingerprint the paper written upon. The information supplied is certainly of note and worth follow-up by investigators. It appears to me that police have made a request for "Asmodeus" to contact police hence the second letter written. This is supported with other letter writers referring to "Asmodeus".

There was certainly a number of avenues available to investigators to identify the writer including his identified walking habits. This could have been done by setting up observation posts in the

identified area for a week. Secondly, it appears that he may have attended the inquest, again another opportunity. Also, investigators did follow up on the Norman Cleveland information regarding garage at Bendigo.

The interesting part of his information to me is that he states he saw no-one leave or enter the house between 1430 and 1500. It is surprising that he would remain there for half an hour just on the basis of hearing two women allegedly arguing.

Having written the letter so soon after the event, how does the writer know that the house he heard the raised voices was in fact number 15?

The second letter clearly sets out that there was a police appeal to him in the media, in that he states..."I fail to see how my evidence could in any way assist the police". A typical response from a police appeal stating his information is of value. The writer then appears to have consideration of the consequences of his writings in the second letter, the last sentence to which is not clear to me.

Letter Unsigned regarding making enquiries with employees of Rhys McLeod should have been followed up.

Letter Miss Bernhard Smith should have been followed up and discounted as would have been today.

Letter XMS Lansell Rd, Toorak. Clearly knows the family and stating the obvious, should have been followed up.

Anon letter to McKerrall 28/10/1929. Investigators if not already would need to build up background of the family and goings on through friends and neighbours. This would assist in a circumstantial case against Edith McLeod.

The Eile Mit Weile letter also adds to the family history and building that picture to possibly prove motive.

The undated notes police pad should have been follow-ups.

Anonymous letter re Mr Birt should have been followed up.

Also, anon letter re J.G David should have been followed up.

Letter from A.L. Spencer should have been followed up.

Again another anon letter received 19/10/1929 regarding family background, this adds to some substance there may be underlying family issues worth follow-up.

Apart from the aforementioned letters, I don't believe the remainder require much more attention and duly filed pending anything else that may be received or identified in the future.

Opinion

Based on the evidence as it stands, or lack thereof, Edith, Rhys and Norman cannot be eliminated as having a hand in the murder of Norma McLeod. If we assume Rhys is at work and Norman visited him on the day they could quite easily be eliminated. If we look at the theory that Norma may have been fatally struck by her father, I can't accept that Edith would then take the blame. The actions of Norman with the police in protecting and assisting Edith after the murder satisfies me that Edith may well be the person responsible for the death.

It is unlikely to me that it was planned, but if it was, the oversight of forming an alibi by saying Edith was at the shops became unstuck. Unstuck from the time factor in going there and back and also the lack of witnesses at the shops. If Edith had planned the murder and her alibi was the shops you would think she would have in some way ensured her presence was known by shop keepers.

It is my view that it was a spur of the moment assault upon Norma by Edith while Norma had just dressed for golf. This would account for Norma's state of dress and the shoes at the foot of the bed which may indicate she was seated on the bed, hence the blow to the top of the head. A downward blow with the likes of a cricket bat would certainly have enough momentum and weight of the bat to inflict the major fracture without the need of strength from the assailant.

Having no defensive injuries which is an automatic bodily response in defence of an assault indicates Norma was hit from behind. The configuration of Norma's bedroom appears to not allow an unseen assault unless the cricket bat was already in the bedroom.

I agree that status of families and their associations especially during that era may have had an influence on the vigour of any such investigation, be it police or judicial. However, regardless of the lack of certain information to identify police efforts in this investigation, I am confident that they did not take a backward step.

As stated earlier, the inquisitorial process appears to have been soft by way of cross examination.

The detectives' "adage" is "What you allege you must prove". In this case, Edith McLeod is the most likely suspect but insufficient direct or circumstantial evidence prohibits police having been in a position to lay the charge of murder against any person.

Charlie Bezzina

Retired Detective Senior Sergeant of Police

16th November 2017