

1929.
NEW ZEALAND.

ELSIE WALKER CASE

(STATEMENT BY THE MINISTER OF JUSTICE REGARDING THE).

Laid on the Table of the House of Representatives by Leave.

ELSIE WALKER CASE.

THE inquest in this case was not a trial of any person for murder or manslaughter or other crime.

The powers and duties of Coroners in this Dominion are not identical with those of English Coroners. The jurisdiction of a Coroner is defined by the Coroners Act, 1908, as "to inquire into the manner of the death of any person who is killed or drowned, or who dies suddenly," &c. His duty is to ascertain the cause of death.

Prior to the date of the Criminal Code Act, 1893, when a verdict of murder or manslaughter was returned by a Coroner's jury against any person, the Coroner could issue a warrant against the person accused committing him for trial at a Supreme Court. As no one can now be tried in this Dominion on a Coroner's inquisition, it follows that as far as consequences are concerned the finding of a Coroner is no more than a formal report to the Justice Department as to the cause of death of a person. His verdict does not in any way commit the police to take or prevent them from taking action in any Court at any time in accordance with the evidence at their command. They act independently, and without fear, favour, malice, or ill-will.

The inquest on Elsie Walker concluded on the 25th January, 1929, on which date the Coroner delivered his verdict; therefore any legislation passed now cannot affect that verdict unless such legislation be made retrospective. It is, however, considered unnecessary to reopen the inquest because—(1) No good purpose can be served, as no fresh evidence bearing on the cause of death has been discovered; (2) the additional information ascertained since the close of the inquest is contradictory, and of little, if any, evidential value; (3) as already stated, the present law provides for adequate action by the police should fresh evidence be forthcoming. It is therefore unnecessary to amend the Coroners Act this session to provide for the reopening of inquests.

The reopening of the inquest in the Elsie Walker case would be of no value in so far as the evidence of Mrs. Thomason and Mrs. Langdon is concerned, and they are the persons who are alleged to have provided important evidence. When first interviewed, at the time of deceased's death, they made signed statements to the police which materially conflict with subsequent statements made by them at least eight months later.

The following extracts in opposite columns show that one or other of the statements of these women is false, and no Court would believe them:—

STATEMENT OF MARGARET THOMASON TO POLICE, 23RD JUNE, 1929.

On 1st October, 1928, with Mrs. Langdon (sister), we left Tauranga by train for Papamoa about 5 p.m. Mr. Preston and Mrs. Teague were on that train. Mr. Preston, Mrs. Langdon, and I were in the same carriage. When the guard came through the door into the carriage he got jammed into the doorway with a Maori woman. On looking towards the door I saw Bill Bayly in the passage-way. I know Bill Bayly well. My sister saw Bayly also, and drew my attention to his being there.

STATEMENT OF MRS. LANGDON TO POLICE, 28TH JUNE, 1929.

On Monday, 1st October, 1928, I saw Bill Bayly standing in passage-way as guard came through. I had a good view of Bill Bayly. I drew my sister's attention to Bill Bayly. She nodded to him. I spoke to him.

Constable Jackson called at my sister's place that day or the following day inquiring about the girl and the car, and I made no statement to Constable Jackson.

STATEMENT OF MARGARET THOMASON TO POLICE, 22ND OCTOBER, 1928.

It was some time before the disappearance of Elsie that I saw Bill Bayly on the train; it would be about ten days or more before Elsie's disappearance.

STATEMENT OF MRS. LANGDON TO POLICE, 23RD JUNE, 1929.

I know Bill Bayly. The first time that I met Bill Bayly was after the disappearance of the girl Elsie Walker, when he and his father brought the car back to Papamoa. I knew him before, having seen him on previous visits.

On Monday, 1st October, 1928, Mrs. Thomason and I left Tauranga by 4 p.m. train. I did not see any of the Baylys on the train that day. My sister made no mention of seeing any of the Baylys on the train. I am positive that I did not see any of the Baylys on Monday, 1st October, 1928, certainly not Bill Bayly, and no person has ever told me that they saw Bill Bayly that day.

Mrs. Langdon's signed statement to Constable Jackson:—

"On 1st October, 1928, at about midnight, I went to bed. I heard a motor-car pass our house," &c.

"(Signed) KATHLEEN LANGDON.
"2/10/28."

Similarly, a Mrs. Edwards has made statements (one to the police and one to an Inspector of Society for the Protection of Women and Children) which are not only self-contradictory, but are also contradicted by Dodds, her employee.

MRS. EDWARDS TO MRS. MOLESWORTH, INSPECTOR, SOCIETY PREVENTION CRUELTY TO WOMEN AND CHILDREN. 19TH SEPTEMBER, 1929.

On Saturday, September 22nd, 1928, I advertised for help on the farm. On Sunday William Bayly applied and was given the position. *He was engaged to commence work on Saturday, September 29.*

On Monday 24th, Tuesday 25th, and Wednesday 26th following, William Bayly had lunch at my home.

I felt very annoyed with him for not commencing work as arranged on the previous *Saturday, September 29.* He knew perfectly well it would put me in an awkward position to be without a man for even one day. *I got another man, Alf Dodds, to take his place.*

I have often a feeling that something is going to happen . . . called second sight, and I *unconsciously* connected W. Bayly with the Elsie Walker mystery. . . . I *felt* he knew a great deal about it.

W. Bayly left a kerosene-box in my kitchen. I felt so worried about the whole affair that when I saw some letters in this box I read two of them:—

(One) "I hope to be with you soon: it will be all right down here. I am sorry for poor Cinderella, but I will fix things all right and we will soon be together again."

(Two) "I am so glad you married me, dear, instead of poor little Cinderella, but I am really sorry for her." I burned those letters.

MRS. EDWARDS TO POLICE, JANUARY, 1929.

On 22nd September one of the men left the farm (Childs). I engaged Alf Dodds, who started work on 22nd September. Bayly called. I told him to come back in a few days and I would see which applicant I would take. On Wednesday, 3rd October, 1928, Carr told me Bayly had been out to see me. *As a matter of fact I had not engaged Bayly although he went out to the farm to work. I have a recollection of mentioning to Bayly that I had not engaged him, and he said "Let me stay on."*

On 22nd September Childs left. . . . I advertised for a man when this man left . . . One of the applicants was William Bayly. I told Bayly to come back in a few days. Bayly told me he was going away for a week.

I engaged Alf Dodds, who started work on 22nd September, 1928. Bayly told me he was going away for a week. On Wednesday my assistant John Carr told me Bayly had been out to see me. *As a matter of fact I had not engaged Bayly, although he went out to the farm to work.*

Questioned by Detective-Sergeant Kelly and Detective Knight she said she had burned letters but had not read the letters and did not know what they contained.

Dodds says: "When Bayly left the farm he did not leave any letters about."

Nine months after her first statement to the police this woman gives details which she either suppressed at the time of making her first statement or has since invented, but which in any case have no evidential value.

She now speaks of often having a feeling that something is going to happen—that is probably called second sight; that she *unconsciously connected W. Bayly with the Elsie Walker mystery*; that she felt that he knew a great deal about it; and that she felt so worried about the whole affair that when she saw some letters in his box she read two of them, which she burnt.

The evidence of Mrs. Thomason and her sister, Mrs. Langdon, must be regarded as entirely untrustworthy because of their having made diametrically conflicting statements on the really only important point contained in those statements—that is, to seeing William Bayly on the train on the day of Elsie Walker's disappearance. After the closest inquiry from all available sources not a tittle of evidence can be obtained by the police to support the belated story of these women or that William Bayly was anywhere other than he says he was—viz., in Auckland—of which supporting evidence was given before the Coroner.

Mrs. Thomason and her sister now say that their attention was drawn to Bayly by some commotion in the passage-way of their carriage; that Bayly and a stout Maori woman occupied this passage-way; that the guard of the train could not pass owing to their presence; that he ordered the man to leave the lavatory, who refused to do so. The guard of the train when seen by the police says he has no recollection whatever of such an incident.

Although the Thomason-Langdon family are of Maori descent and know most of the Native race in the district, they have not been able to produce the Maori woman, or give any information by which she may be found. The closest inquiry by the police has failed to discover such a woman. Their mother, Mrs. Brady, a lady of full Maori blood and of some standing in the district, of which she has been a resident for many years, cannot assist the police in discovering the Maori woman referred to.

A Mrs. Teague, who knows William Bayly well, travelled on the same train with Mrs. Thomason and Mrs. Langdon, but saw nothing of Bayly.

A careful departmental check has been made, and there is no record of the issue of a ticket to Papamoa on that day which cannot be accounted for. If Bayly had got on the train surreptitiously and without a ticket and had been seen by the guard as now stated by these women, it would have been the guard's duty to report the fact or issue a ticket to Bayly from his book. There is no record of the issue of any such ticket. The train in question was a small one of three carriages, and in October it travelled in full daylight to beyond Papamoa.

The following day, 2nd October, Mr. Bayly, sen., saw Mrs. Thomason at her house and told her of the disappearance the previous night of Elsie Walker and his motor-car, but strangely Mrs. Thomason said nothing to Mr. Bayly of having seen his son on the train the previous afternoon.

Furthermore, Mrs. Bayly, the young man's mother, visited and conversed with Mrs. Thomason, with whom she was on friendly terms, almost daily after the disappearance of Elsie Walker, but Mrs. Thomason did not mention the train incident, and this although at that time no tragedy was anticipated, or any sinister aspect attached to the girl's disappearance. If it were true that

Mrs. Thomason and her sister really saw William Bayly on the train, why did they not mention it to his parents? No, Mrs. Thomason left Papamoa a week or two later without saying a word to any one of the alleged train incident, but from Wanganui, four months later, commenced to write letters to Mrs. Bayly in which she stated she had seen Mrs. Bayly's son on the train. Although Mrs. Thomason had no further information to impart to Mrs. Bayly, she insisted on the latter journeying to Wanganui to discuss the matter with her. Finding Mrs. Bayly reluctant to take the journey Mrs. Thomason took the remarkable step of threatening Mrs. Bayly with exposure in a well-known newspaper if she did not come to Wanganui. Mrs. Bayly, through her solicitors, informed the police, to whom the correspondence was handed over. By arrangement she then went to Wanganui, where, according to Mrs. Bayly, Mrs. Thomason asked from Mrs. Bayly a large sum of money. Although Mrs. Thomason denies to the police making any demand for money, it is significant that she names exactly the same sum of money mentioned by Mrs. Bayly (£10,000) as being discussed between them.

It is quite clear that at this interview the payment of money was discussed between the women.

It is further significant that in a statement made to the police immediately after her interview with Mrs. Bayly Mrs. Thomason admits that before leaving her home to interview Mrs. Bayly she suspected a trap would be laid for her, and that from the commencement of her interview in Mrs. Bayly's bedroom she feared some one was listening in the adjoining room. Of what value would the testimony of such a witness be, and how far would it be safe to put the life or freedom of any one in jeopardy on her word?

When originally interviewed by the police at the time of Elsie Walker's disappearance Mrs. Langdon made no reference to the train incident. When again interviewed last June after Mrs. Thomason's visit to Wanganui and before the latter had time to communicate with her (which she did by telegram the following day) Mrs. Langdon specifically and definitely denied having seen William Bayly on the train, or that her sister, Mrs. Thomason, had seen him, or had at any time said she had seen him on the train. A week later Mrs. Langdon reversed her previous statement. What reliance can now be placed on her statements?

Another sister, Mrs. Richardson, says that, although she has discussed the Elsie Walker case a number of times with both Mrs. Thomason and Mrs. Langdon, neither has at any time told her William Bayly was on the train.

Assuming it were true that Mrs. Thomason and Mrs. Langdon saw William Bayly on the train on the 1st October, 1928, such testimony would not help the Coroner to decide the cause of death. At most it would tend to show that William Bayly had given untruthful evidence at the inquest when he swore that he was in Auckland on the 1st October, 1928, but such is not a matter for investigation by a Coroner.

The extracts from the statements quoted show that in cross-examination the testimony of the persons referred to would be so discredited that no Court would be justified in placing any reliance on it.

Finally, the police have investigated more alleged evidence than has ever been published in the newspapers. They have visited and examined numbers of witnesses whose statements I have waded through, and I say absolutely that there has not been the slightest justification shown for reopening the inquest, nor has any evidence been discovered which will throw any light on the cause of death of Elsie Walker.

Believing this, and having had many opportunities of analysing and dissecting evidence, I refuse absolutely to assist in what must only be a farce, and cannot help in the slightest degree to elucidate the cause of her death.

Wellington, N.Z., 7th November, 1929.

THOMAS M. WILFORD.

Approximate Cost of Paper.—Preparation, not given; printing (450 copies), £3 10s.

By Authority: W. A. G. SKINNER, Government Printer, Wellington.—1929.

Price 3d.]

