

I fired I leaned against
the door of my truck.
It opened automatically, and
I fell out of the
truck. I ^{think} ~~think~~ it
was the impact of
the second bullet, and
the thought of getting
out of the time as
quickly as I could;
I actually fell onto
the roadway.
I called out "Help".
Nothing happened, and I
got up and ran
towards ^{Robt St.} ~~Robt St.~~ I
did not see what
happened to Martin
and Barrett. I did
not look back.
At the corner of Adams &
Robt St, I saw a
man in a motor
car
I told him something.

and he drove me to
the Alfred Hospital.
~~On~~ In the way, I got
the driver to call at
my room. Mrs. Hull
was down in her mother's
room.

I was admitted to the
Alfred Hospital.

Dr. Pollard received a
bullet from an enemy
stomach, under my
singlet.

Neither accused gave any
indication at any time
that there was going to
be any shooting. I
thought I was doing
them a favor; I did
not expect anything at
all.

I was seen by the
Sentinels on the day
I was admitted to
the Alfred Hospital.

I had no ~~fire-arm~~ ^{fire-arm} in
my possession on that day.
I had no weapon at all
with me that could
be used for violence.

XX
114
Sulbaly.

I have told the whole
truth about this matter.
There is only one reason
why I turned round and
told the truth ^{about} ~~about~~ it.

I regard it as my
duty to ^{bring} ~~bring~~ these
men to justice. Since
the ^{shooting} ~~shooting~~, my attitude
has not been the
same. ^{at all times} It was

not until the Thursday.

I have not been
offered ^{inducement} ~~any inducement~~
by the Police to give
evidence. ⁵ It did

it off my
^{own} ~~own~~ accord.

When I first saw the
Police I refused to

say anything at all to
the Police. It was
my attitude until the
following Friday. It
is the first time I
have given evidence as a
Crown witness. I have
been in trouble myself.

Just a bit. I
got three months for
actual bodily harm in
1939 in Melbourne;
Six months in 1941
for forgery and uttering
in Melbourne; three
months for false pretences.
(The sentences in these
two are cumulative);
Three months in Sydney
in 1944 for consorting;
6 months in Sydney 1945
for consorting.
Since 1939, I have ^{done} ~~done~~
21 months imprisonment.

I (am) do not think it was
an automatic. I experienced
guns once, and that was
enough for me. I once
carried a gun for
protection. I shot
a man named Small
Day in Sydney in
1945 in self defence.
~~It is~~ I do not ~~know~~ ^{agree}
that it was a brothel.
It was a respectable
(~~house~~) house.

My life has been threatened
by Small Day. I
got the gun from an
American in the
(fbo) place. I believe
Day had a criminal
record. I have
never carried a gun.

My life has never been
threatened in Melbourne
to my face
Mrs Hull is my wife.

I married her in 1942
in Melbourne.

When Martin remarked ~~that~~ to
my ^{wife} ~~wife~~ that she ^{would} ~~would~~
need another husband ~~that~~
night, I took it as
a joke. I had had
a ^{tiff} ~~tiff~~ with my wife,
and she replied to Martin
"He's got to shift out
today." Everyone
was laughing about it; it
was only a joke.

I made a written
statement to the Police
It is the statement
produced (E). I
can't remember what date
it was I made it.
It must be about 8/8/47.
It was 11 days prior
to that that I
had remained silent
^{about}
~~about~~ the shooting.
I decided to talk

on account of what
happened to my wife.

I decided to tell all
I knew about it.

What happened to my wife
could have been connected
with the two accused,
although they were in
jail at that time.

As Martin left my room,
he said: "Who is ^{going} ~~going~~ to
be your husband tonight?"

"He won't be coming back?"
or something like that.

In the statement produced (E)

there is no mention of the
words "He won't be

coming back."

It
must have been due
to shortness on the

type writer, or
something like that.

I was not afraid for

my own sake; I

could have looked after

myself. Barnett was a
friend of Donald Gray's
in Sydney. I do not
speak to him

on 20/8/43 I was not
in fear of Barnett,
because he was with
Martin. I had been
drinking with Martin
the day before.

Barnett gave me an
indication in Sydney
in 1946 that he
would shoot me. I
had seen him often since,
but had never spoken to
him. I had ~~seen~~
been in his
company with other people
only on one occasion;
that was at Telzing.
He has never made
any attempt to molest
me.

Barnett and I were in

business selling beer in
Sydney, before Day was
shot. I have
seen him at Carter's
with other people. I
was not drinking with him.
We were both there for
two or three hours.

XX
Police.

A statement was taken from
me in writing by the
Police on 7/8/47.

On 8/8/47, I read a
typed copy of it,
and ~~not~~ signed it.

I was charged with the
murder of Donald Day.
I was found "Not Guilty"
by Supreme Court in
Sydney. I acted
my self defence; that
was my defence at
the trial.

Following the trial, I was
not charged with any
offence in relation to

the gun. I declared
at the time that I
stunned the gun from
an American who was
present.

I have never been connected
of any offence relating to
pirates.

In 1946, Barnett at the
Mannings Hotel, Kings
Cross, Sydney, one night;
B I said to Barnett.

"I hope you don't
~~think~~ ^{think} anything ^{about} ~~about~~ that
business between myself
and your mate".

(I was referring to Donald
Ray)

He "Look I don't want
to talk to you. When
I want to see you,
I'll see you."

I left it at that, and
went away and
had a drink with

Jeff Mackay, Marriott
Barnett and Donald Day were
associating in getting beer
and American cigarettes.

They were friends.

I have given words with
the same meaning to
my evidence in my
statement to the Police.
My evidence today is
identical with the facts
I declared in my
statement.

I was wearing the coat
and shirt produced (F)
on the afternoon I
was shot.

John R. Fall

Bernard Collins

Swoon Smith:-

I am a manufacturer
and I reside at Flat 5, 22.

Inkerman St. S. Kilda

At about 3.35 PM on

22/2/47

I was

driving my car along
Robt St, S. Kilda.

I then saw witness Hull

at the corner of Robt

and Adelaide Sts. When

suddenly I was told,

I took him to

my car to the

Alfred Hospital.

Before going to hospital, he

got me to drive to

2 Fitzroy St, S. Kilda.

He was concerned about

his wife.

After I left Hull at the

hospital, I returned

to 2 Fitzroy St,

S. Kilda, and

Look on conversation note

Mrs Hull.

B. Collins

John Marion Peter Bassett-Smith
Sworn Saith.

I am an importer
and I reside at Flat 11, 10 St Leonard
Ave St Kilda.

My flat overlooks ^{little} St Neptune
St, St Kilda.

At about 3.30 PM, on 27/2/47

I was sitting in the
drawing room of my flat.

I heard two ^{seconds} sounds that
were apparently ^{shots} shots, some
seconds apart. I

~~looked~~ ^{looked} out the window.

I saw a truck standing
about 20 odd yards from
Neptune St on Neptune
Lane facing me. It
is the truck in

Photostat No 1.

It was on its correct
side of the road.

The driving side door flew
open, and a man
fell out onto the road.

As the don started towards
me, I was unable to
see the man clearly.
He putted himself up,
and ran towards Robt D.
He was wearing a coat
very similar to the one
produced (E)

About at the same time,
the rear side don of
the truck moved, and
two men came running
towards
~~Neptune D.~~ Neptune D.
I didn't get a very good
look at these men. I
was concentrating on
the man who had
fallen. The first
man, I have no
clear memory of; the
second man I saw
for a matter of a
second or two. I
have been unable to
identify that man since.

I must say he was between
30 and 35, inclined to
thick set in build. I
had the impression that
his hair, what I saw of
it, was dark. His
complexion was yellow and
he was clean shaven.

His side-bow was not
much larger than mine.
I could express some slight
resemblance; it is three
weeks since.

Armed Martin is
similar to the second
man.

I was shown a line-up
of a number of men ^{about} ~~about~~
the same size as armed
Martin. I could not
pick out Martin.

I have ^{not} seen quite a number
of men since, who resemble
that second man.

I must not definitely

XX.
MP
GALBALLY

say that I could identify
a man on a few records
observation. (He said). The
second man ^{has} ~~look~~ on
a grey coloured sports coat,
and greyish hat. I
could not see his collar,
because he came towards
me shielding his neck.
I could see his face
from above. I

could not see if he
had a collar on.

XX

I have no recollection of
seeing anyone Martin
in the line up.

XX

Gallagher

I did not see two men
get out of the truck.
The two doors moved, and
by the time I took
my gaze from the man
on the road, two
men were running towards
me. I saw the
rear door opening towards

me. I gave a ^{written} ~~written~~
description of ^{these} ~~these~~ men to
the Police. The description
of the second man I
gave as I have already
described him. I

did not say I could
identify him again.

I did not say I could not.

I said I never saw

him difficultly in

identifying him again.

Bassett-Smith.

June Doreen Grady
Sworn oath :-

I am a waitress at
Elenara 2 Fitzroy St. St. Kilda
I know Mr & Mrs Hull who
live there. ^{have} ~~has~~ a room at
that address.

Somewhere shortly after 3 P.M.

on 27/7/41 I went

to Mr Hull's room.

As I was ^{about} ~~about~~ to enter,

I saw Mr Hull and

two men come out.

One of them put his

hand on my head

and said "Hullo. Curly."

I did not really look

at the two men. I

can't say for sure if

I would know them

again.

It was about 15 minutes

later that I knew.

Mr Hull was shot.

When I attended a line up

at Russell St on 3/8/47.

I saw about 9 men then
in a line up. I failed
to make any identification.

Shortly afterwards, Mr Thompson
came in to make an
identification. I thought
that one of the men looked
similar to ~~the~~ one of
the men who came
to the house on 27/7/47.

~~when~~
when I saw him take
his overcoat off.

That man was ^{similar to} accused

Barnett. I cannot
~~even~~
even say the man
was the same one.

I did not take any
notice of the second one.
(In fact I drew) It was only
a matter of a few seconds
that I saw the two
men at Mr Hull's
door on 27/7/47.

XX
MIR
CALBALLY

Before Mr Thompson came
in to the line-up, I
had had a good look,
but could not see
anyone I knew. I
did not know you were
allowed to ask them
to take their coats
or hats off. If
Mr Thompson had not
gone in, I would not
have been able to identify
anyone. He was not
hiding his face with
his overcoat. I
cannot say what difference
having his overcoat on
made.

J. D. Grady.

Ellis Irvine McDonald
sworn south

I am a
Detective stationed at St. Kilda

At about 3.50 PM on 20/1/47,

from ^{something} ~~somebody~~ I was told,

I went with 1/c

Stellenson

~~Stellenson~~

to Neptune Lane

St. Kilda. I then saw

a motor truck which

I know to belong to

Mr. Keith Hull.

This truck was parked

on its correct side on

the West side of

Neptune Lane almost

15 feet back from

the building line ^{where} ~~where~~

Neptune Lane and Neptune

St. intersect.

The engine was warm. On

the back of the truck

which is of the tray

type there were two

full, and one empty

bottle of beer produced (C)

They were on the near side
front corner on the tray,
resting on and surrounded
by a quantity of dust
and chips. I ^{found} found
another beer bottle near
the corner of Neptune
Lane and Robt St.

I produce that bottle (F)
I made an examination of
the interior of the
truck, and of the
surrounding (street) road-way
in search of empty cartridge
cases. I could not

find any. The truck
was then driven to St
Kilda Police Station by
1/c Stephenson.

I later took ~~possession~~ ^{possession}
of the coat produced (F)
I have seen witness
Keith Hull wearing that
on several occasions.

I have also seen him
driving the truck that
was in Neptune Lane.

E. F. McDonald.

Da. 1/c 9518.

(Frederick Hobley) Frederick Hobley

now write

I am a

Detective Ins. - Inspector at

Wellington and Officer in Charge

of Police Scientific Section.

On 24/3/47 I received from

S/ Det. Donnelly recovered

bullet ^(A) ~~produces~~, the

clothing which is ~~produces~~ ^(F),

which consists of a sports

coat and a shirt.

The sports coat had a

hole near the left

breast, and a hole

in the ^{back} ~~back~~ of the

left sleeve on the

outside. The shirt

had a hole in the

left breast in a

corresponding ^{position} ~~position~~ to

that on the coat.

These holes were ~~consistent~~ ^{consistent}

with bullet holes.

Later, I received from