

S/ Sgt Connolly, a ^{second} ~~second~~
bullet (B) produced.

I examined these bullets.

They are lead cast and are
consistent with having been
fired from black-powder
cartridges used in a .32
revolver.

J. Hobbs

William Ball Warner Hooney
Room said I am a

Detective at Melbourne.
At about 11³⁰ am on the 3rd day
of August 1947 in Company with
Snr Detective Donnelly & other
Detectives I went to 3 Enfield
St St Kilda, when I saw
armed Barnett. The

later accompanied us
to Russell St Station
Office, when at 2 PM
the same day, I
said to him

"You know what we
want to see you about
Re. (Alton) over Hull ^{being} ~~being~~
done."

I "Yes."

Re. Do you know Hull's
story
story?

I "No. Only that you
and Charlie Martin were
there when he was

shot
~~shot~~ and we believe

you shot him.

He: Have you got Charlie yet?

J: You mean Charlie Martin?

He: "Yes."

J: We have not got him
at the moment, but
we will have him soon.

He: Why bother about Hull?

He is only a bludge.

S/Det Hanelly: "We can't have

these indiscriminate ^{shootings} ~~shootings~~.

and if you were shot, we
would have to enquire
into that, too.

He: He has been running
around big - noting himself
^{about} ~~about~~ shooting Donald Duck.

He wouldn't have the
guts to do it. ^{Rene} ~~Rene~~

Green did it.

S/Det Hanelly: "Were you and

Charley Martin at

Elenora Street House at

2 Fitzroy St, St Kilda

last Sunday afternoon, and
left there with Hull
shortly before 3:30 P M
and drove to ^{Little} St. Neptune
It was Hull's truck

He " Yes. You already ^{know} know
that.

I. The three of you sat
in the truck and
consumed a bottle of
beer.

He " Yes. And Hull put on
a turn. There was a
bit of a brawl and
Charley. I "went through".

I. " You are getting ahead of
yourself a bit. There
were two shots fired
before you and Charley
ran away. 2
that not so?

He " Yes.

I " Who fired the ^{shots.} shots?

He " I don't want to say
any more ^{about} about that.

J. Did you shoot Hull ?

H. Hull was shot, and I
am not going to say
any more until I see
Charlie. Anyway, Hull
can tell you, if he's
game enough,

J. You are not suggesting that
Hull shot himself ?

H. He wouldn't have the
guts to. ?

J. "Where is the revolver ?

H. "I have said ^{enough} enough. I

am saying nothing more.

J. We intend to place you
in an identification parade

so that some witnesses

can view you.

H. "Are they the ^{people} ~~people~~

that saw us running from
the train.

J. "Yes. And leaving
Hull's flat.

H. "We will later place me
in an identification parade.

with 8 other men, ^{including} ~~including~~
Ernest Martin, ^{brother} ~~brother~~ of
Charles Martin. Ernest

Martin was identified in
connection ~~connection~~ with another

offence, and on returning to
the Detective Office, accused

Barnett said "You can
understand them picking
Ernie for Charlie. They
have made a blue. Ernie
was not there.

I. But Ernie has been mixed
up in this business

He. "No. They have made
a blue, and that is
ridge.

I named accused, and
said "Do you wish
to make a statement?"

He. "No. You won't get
me ^{signing} ~~signing~~ anything"
He was later charged.

XX

He was charged ^{about} at about

6 PM That day. 5

first saw him at 11:30

A.M. He accompanied us

to the office. He was

not free to go before 6 P.M.

He was to be charged

with other offences. He

had not been arrested.

He was ^{being} questioned
about ~~this~~ ^{other} ~~matter~~ ^{matters}

I would say "under arrest"

means ^{detaining} ~~detaining~~ against one's
will.

He knew what he would

be ^{charged} ~~charged~~ until. He

was told at about 4 P.M.

after we had finished

questioning him. 5

had not told him

prior to that. He He

was held until 4 P.M.

^{without} ~~without~~ being told what

he would be charged

with.

I did not tell him

→ what
what he was wanted for
when we first met at
Russell St. From 11 till
2 PM. I could not
say where he was all
the time. We had
so many there, and
there were so many
things to do that we
could not question him
until about 2 PM.

XX Accused Barnett did not
ask to leave at any
time while he was
at Russell St. He
was questioned ^{about} ~~about~~ other
matters. While Barnett
was at Russell St, I
had to leave on
occasions. I was
away for considerable
times between 11:30 and
4 PM. He made
no complaint that
he was being

wrongly
wrongly detained.

xx

Barnett was not told by
me what he was

being charged with. I
was not present when
the informations were laid.

G.D.W. Hooney
Deputy 8682

Charles Hubert Petty

man with

I am a S/Detective at Melbourne
at 3 PM - 3/8/47. with
SAs Holland and Quill
I went to York Rd,
Mt Evelyn, where I
saw a man Charles

Martin

J. " I want you to
come with me to
Melburn.

H. All right

He came to Melbourne with
me, and I was

there joined by Det

Cramer and I interviewed

Martin.

J. " Do you know what
we want to see you
about?

He " No.

J. It is about the
roasting of Killa.
Kitcheners Hull last

3

Sunday

He. " Oh Yes. Why do you want to see me about it

J. " When did you go to Mr. Evelyn to stay.

He. Last Monday night.

J. We have Paul here

(meaning Barnett) and he has admitted being with you when Hull was shot last Sunday

He. Has he say who shot Hull?

J. No. He won't say. Did you shoot Hull?

He. No. I did not

J. Did you go to Hull ^{boarding} ~~trading~~ house with Paul with some beer last

Sunday afternoon

He. Yes.

J. It is said that you and Paul went with

Hull in Hull's truck to Little ^{Neptune} Neptune St.

Is that so?

He

Yes.

J. It is said that either
you or Paul shot Hull.

Hi. I did not ^{shoot} shoot Hull.

I am not going to

say any more.

J. Who did shoot Hull?

H. I'm not saying any more.

J. Why did you clean out
from Melbourne and go to
Mt. Evelyn the next day
after Hull was shot.

H. I wanted to get out of
the road, and they
had a bit of ~~painting~~ ^{painting}
to do up there.

J. As it stands, you
and Paul will be
charged
charged with shooting
Hull.

I cautioned him

Hi. I'm not going to

say any more.

He was later charged.

XX

I think Martin has a
few minor convictions. I
heard him admit to
a few convictions at
Punell St, including
Military convictions of
A.W.C. or desertion.

He was committed at ^{Richmond} ~~Richmond~~ on
6/1/42. for insulting words. ^{and} ~~and~~
fined £1 or 3 days

It was not suggested to

accused. "You can make
it easy for yourself. You
can say you were in
the truck, there was
a ^{struggle} ~~struggle~~ and the gun
went off."

I did not say "You are
not doing yourself any good.
I know that Hull has
been ^{charged} ~~charged~~ with murder,
and is no good."

or anything like that.

Martin admitted he knew
Hull, but did not

I mention
know his record. He

denies shooting Hull.

(I dit h) Det. Curran + I

had been on duty since
early ^{morning} ~~morning~~, and it was

my attitude that we
^{would} ~~would~~ be waiting time
~~asking~~ ^{asking} questions at that time.

It would be ^{about} ~~at~~ 4.15 PM

that I first saw
Martin. He was

charged at ^{about} ~~at~~ 6.40 PM.

I think he was charged
before Barnett was.

Charles H. Petty
Ar 44-8358.

Eyre

Curren

now with

I am a spectator at Melbourne

I was present with S/ Det

Pettie at Russell St

on 3/8/47 when he

interviewed accused

Charles William Martin.

I have been present

in Court and heard

S/ Det Pettie's evidence.

in relation to that

matter.

It is true and correct.

Leyne Curren

Det. 1st Div. 8369

Henry Rupert Hamelly

mem note

I am a Detention at Melbourne

I was present with Det.

Mooney on 3/8/47

when accused Barrett was

seen at his home,

and interviewed at

the Detention Office.

I have been present in

Court and heard Det.

Mooney's evidence.

It is true and correct.

In 27/7/47, Dr

M Rollason handed me

the bullet produced (A)

In 28/7/47, Dr Hamilton

handed me the second

bullet (B). I later

handed these, together

with the coat and

shirt of witness

Hull to Det. Sub.

Inspector Hobley for

ballistic examination.

On 11/8/47, I was present
when Constable Walker
took the photographs of
within Hulse's truck.

Handwritten:
H. W. Wells
St. Albans, N. H.

JUSTICES ACT 1928.

SECOND SCHEDULE.

FORM 39.

STATEMENT OF THE ACCUSED

In the

Central

Bailiwick,

Hugh Rupert Donnelly

Informant.

George Barrett

Defendant.

NATURE of Information

*Attempted murder**George Barrett*

stands charged before the undersigned, one of His Majesty's Justices of the Peace in and for the said Bailiwick of the State of Victoria this *15* day of *August* in the year of our Lord One Thousand nine hundred and *fifty seven* upon the above-mentioned Information, and the said charge being read to the said defendant and the Witnesses for the Prosecution

~~and~~

being severally examined in *his* presence, the said defendant is now addressed by me as follows:—

“Before asking you if you desire to plead guilty to this charge or make any answer thereto it is my duty to warn you that you are not obliged to plead or make any answer at all; you have nothing to hope for from any promise of favour, and nothing to fear from any threat which may have been held out to you, to induce you to make any admission or confession of guilt; but whatever you say, and if you plead guilty your plea will be taken down in writing, and may be used as evidence upon your trial. If you plead guilty you will forthwith be directed to be tried at the

(a) Strike out that which is inapplicable.

Supreme Court, for the hearing of Criminal trials, at ^(a) *Melbourne* ~~on the Court of General Sessions of the Peace at~~ ^(a) *September 15th 1947*

Are you guilty or not guilty of the charge?”

Whereupon the said saith as follows:—⁽¹⁾

George Barrett

(b) Here state whatever the prisoner may say, and in his very words, as nearly as possible; let him sign it, if he will, after being read over to him and all necessary corrections in such statement having been made. this

"Not Guilty"

Taken before me at

15th

day of

St Kilda August

in the said State,

1947

J. J. Meekhan
Justice of the Peace.
John Maguire

JUSTICES ACT 1928.

SECOND SCHEDULE.

FORM 39.

STATEMENT OF THE ACCUSED

In the

Central

Bailiwick,

*Charles**H. Petty*

Informant.

Charles William Martin

Defendant.

NATURE of Information

*Attempted murder**Charles William Martin*

stands charged before the undersigned, one of His Majesty's Justices of the Peace in and for the said Bailiwick of the State of Victoria this *15* day of *August* in the year of our Lord One Thousand nine hundred and *fifty seven* upon the above-mentioned Information, and the said charge being read to the said defendant and the Witnesses for the Prosecution

and

being severally examined in *his* presence, the said defendant is now addressed by me as follows :—

“Before asking you if you desire to plead guilty to this charge or make any answer thereto it is my duty to warn you that you are not obliged to plead or make any answer at all; you have nothing to hope for from any promise of favour, and nothing to fear from any threat which may have been held out to you, to induce you to make any admission or confession of guilt; but whatever you say, and if you plead guilty your plea will be taken down in writing, and may be used as evidence upon your trial. If you plead guilty you will forthwith be directed to be tried at the

(a) Strike out that which is inapplicable.

Supreme Court, for the hearing of Criminal trials, at *Melbourne* on the ~~Court of General Sessions of the Peace~~ at *September 15 1947*

Are you guilty or not guilty of the charge?”

Whereupon the said

*Charles William Martin*saith as follows :—⁽¹⁾

(b) Here state whatever the prisoner may say, and in his very words, as nearly as possible; let him sign it, if he will, after being read over to him and all necessary corrections in such statement having been made.

"Not Guilty"

Taken before me at

St. Helens

in the said State,

15

day of

August

1947

this

J. J. Meehan
Justice of the Peace
John Meehan

FORM 47 (a)

RECOGNIZANCE TO GIVE EVIDENCE WHEN THE ACCUSED
PLEADS NOT GUILTY BEFORE THE JUSTICES.

IN THE

Centine

BAILIWICK.

(1) Name of informant.

(1)

Hugh Rupert Shannelly

Informant.

(2) Name of defendant.

(2)

George Barrett, and Charles William Martin

Defendant.

(3) To be stated shortly.

Nature of Information (3)

Attempted murder

(5) Name and address and occupation of each witness bound.

(5)

BE IT REMEMBERED, That on the 15th day of August 1947
Kate Kathleen Hull, 2 Fitzroy St, St Kilda,
work. carter; Valma Edith Hull, of
2 Fitzroy St, St Kilda, married woman;
John Marion Peter Barrett-Smell, of Flat "A",
10 St Leonards Av, St Kilda, imposter;
June Queen Grady, waitress at 2 Fitzroy
St St Kilda; Ellis Simon St Simon, Fredence
Hobley, William Wally Warner Mooney;
Charles Herbert Petty, Cyril Cypres, Hugh Rupert
Shannelly, Statutaries of Melbourne
 each personally came before me, one of His Majesty's Justices of the Peace

within and for the said Bailiwick of the said State, and acknowledged himself
 or herself to owe to our Sovereign Lord the King the sum of One Hundred
 pounds of good and lawful money, to be made and levied of his or her goods
 and chattels, lands and tenements, to the use of our said Lord the King, His
 Heirs and Successors, if he or she shall fail in the condition endorsed.

Taken and acknowledged the day and year above-mentioned, at

St Kilda

, in the said State before me.

J. Meehan PM
 Justice of the Peace.
John Magistrate

(6) Strike out that
which is
inapplicable.

The condition of the within-written Recognizance is such: That whereas the
within-named defendant ^{same} was this day charged before me, the Justice of the Peace
within mentioned, upon the information as within mentioned; if therefore each of
the said persons so bound shall appear at the ⁽⁶⁾ next session of the Supreme Court
in its criminal jurisdiction ~~or at the ⁽⁶⁾ next Court of General Sessions of the peace to~~
be holden at *Melbourne* in and for the State of
Victoria on the *15th* day of *September* 19*47*, and there
give such evidence as he or she knoweth, upon a presentment to be then and there
preferred against the said defendant, to the jurors who shall pass upon the trial of
the said defendant, then the said recognizance to be void as regards each of the
several persons so bound duly appearing in accordance with the tenor hereof or else
to stand in full force and virtue as regards each of such persons who shall not appear.

SUPREME COURT.

CRIMINAL JURISDICTION.

MELBOURNE.

MONDAY, 15th SEPTEMBER, 1947.

BEFORE HIS HONOR MR. JUSTICE MARTIN AND A JURY OF TWELVE.

THE KING v. GEORGE BARRETT
and
CHARLES WILLIAM MARTIN.

CHARGE: Wounding with intent to murder.

THE ACCUSED Pleaded Not Guilty.

MR. SPROULE, K.C. appeared on behalf of the Crown.
MR. GOLDBERG appeared on behalf of the Accused Barrett.
MR. MONAHAN^{K.C.} and MR. MOLOWY appeared on behalf of the accused Martin.

MR. SPROULE was heard to address the Jury.

ROBERT CUMSTEE ROLLASON, sworn and examined:

MR. SPROULE: Your name is Robert Cumstee Rollason?---Robert Cumstee

Rollason.

You are a legally qualified medical practitioner?---Yes.

At the Alfred Hospital?---Yes.

On the afternoon of the 27th July of this year did you see a man Keith
Kitchener Hull at the Casualty Department at the Alfred
Hospital?---Yes.

Did you examine him?---Yes.

What did you find?---After his clothes had been removed I found a small
wound one inch inside his left nipple and another one about

IB.SW.

1.

ROLLASON XN.

the same size, that is about a quarter of an inch diameter two inches nearer the midline. The two wounds were joined by a track underneath the skin.

Just draw the track on your own, just to show the jury?---(Indicating)

If that is his left nipple, that button, there was an entrance wound here, a track 2 inches long horizontally and an exit wound at the end of that track. It went like that

and the bullet was found underneath the singlet on his ~~xxxx~~ skin.

HIS HONOR: A track as though he had been shot side-on?---Yes.

As though the bullet had come side-on?

MR. SPROULE: Which was the entrance wound?---The outer wound would be that.

The one on the left?---Yes.

The bullet had gone through from left to right?---Yes.

What did you do with the bullet you got?---I handed it to Senior-Detective Donelly.

Have a look at this, Dr. Rollason (Bullet handed to witness). Were the two holes you saw in the man consistent with having been made by that bullet?---Yes.

Is that the bullet?---Very much like it.

EXHIBIT "A" Bullet (For identification).

MR. SPROULE: Did he have any other wound?---There was another wound on his left wrist about one inch above and adjacent to the radial styloid process.

Put your finger on it?---The wound was just there on the back and the thumb-side of the wrist., (indicating).

You did not remove that bullet?---No.

CROSS-EXAMINED BY MR. GOLDBERG:

Tell us to what depth the first bullet had penetrated?---Well, I passed a probe and it was just underneath the skin.

In effect, it had just merely made a furrow underneath the skin?---

That is right.

HIS HONOR: It had ~~just~~ cut the inner skin?---Gone through the skin, travelled across under the skin and then come out again.

MR. GOLDBERG: The wound in itself, of course, was not serious?---No, not at that time.

Not at any time?---It could have got infected.

That is if it had not been treated?---Yes.

Taking the bullet wound as you saw it, there was no danger from it at all?---Not as far as I could make out at the time.

You say it was in a straight line?---Yes.

Could you say whether the person was standing or sitting when he was hit by that bullet?---No, I could not.

Would it be consistent with a person grabbing another man's hand and pulling away, pulling that other hand, turning the gun and the cartridge being fired, or the bullet being fired?---What - that the fellow who was shot, Hull, might have done it himself, sort of like that? (demonstrating).

Assume Hull had the gun in his left hand?---Yes.

Another person grabbed that left hand and turned it?---I should think it was almost impossible.

It would all depend, would it not - - -? ---Not if he was right-handed.

Not right-handed, assume he had it in his left hand?---Well, I suppose that is possible.

And the other bullet was just on the top of the left wrist? - Yes, he would have to change hands to put that - - -

No-one is suggesting that happened as to the left wrist, but it is consistent as to the first bullet we have spoken about.

HIS HONOR: He said it was possible?---Possible.

MR. GOLDBERG: And I tell you it would be consistent with that, would it not?---What do you mean by "consistent"?

Assume a person grabbed another; let this be the revolver (using pencil to demonstrate); as I pick it up, a man has got hold of that and it is turned and there was a struggle and it goes off, it would be consistent with such a position, would it not?---

Well, I said it could happen, it could be possible.

RE-EXAMINED BY MR. SPROULE:

Do you think that at all probable?---Very unlikely; I should think most unlikely.

And at that range, his own left hand shooting himself in the left breast, do you think it would cause burning or blacking of the skin?---There was some - I did not see his jacket, the police took that, but there were some scorch marks on his singlet. I do not know what that would mean, whether it was fired from a distance or not.

If that bullet had gone straight in instead of sideways, would there be any danger to the man's life?---He would almost certainly have been killed.

(THE WITNESS WITHDREW)

NICHOLAS TALBOT HAMILTON, sworn and examined:

MR. SPROULE: Your name is Nicholas Talbot Hamilton?---Yes.

And you are a legally qualified medical practitioner at the Alfred Hospital?---Yes.

On the afternoon of the 27th July of this year did you see Keith Hull at the Alfred Hospital?---Yes.

And that evening did you operate on his left wrist? ---Yes.

And remove a bullet?---Yes.

Look at this bullet; What did you do with the bullet you got?---I gave it to Detective Donnelly.

Can you say if that is the bullet?---Yes, I think it is like it.

HIS HONOR: All, you can say is it is similar, I suppose?---Similar, and most likely because there are marks on it made with the forceps pulling it out.

MR. SPROULE: Do you say there are marks on it?

HIS HONOR: You can recognise it definitely, you think?---Yes.

EXHIBIT "B" Bullet.

MR. SPROULE: Tell us about the wound?---He had an entrance wound about one inch approximating the dorsal on his wrist, the