

another man. I had known Martin for about 12 months. There was a discussion about going somewhere. Both accused were present and one of them asked Mr. Hull to drive them somewhere. They said they did not have enough money for taxi fare. My husband said he would. There was some liquor drunk in the room. I had one glass of beer and I think my husband had one glass. The two accused had quite a few glasses each. At about 3.20 p.m. my husband and the two accused went to the door to leave the premises. I was talking about having a row with my husband and accused Martin said to me 'if Keith is not going to be with you tonight I will come back and sleep with you'. He mentioned something about being my boy. We were only joking. About that time June Grady came along to the door. My husband and the two accused left the premises. They took three bottles of beer with them and left some in the room. The coat and shirt produced are the ones my husband was wearing that day. The two accused had never been to my room before to my knowledge. About twentyminutes after my husband left a man and woman came to my window. As a result of what he told me I went to the Alfred Hospital when I saw my husband. He was wounded. Photograph No. 1 is a photograph of my husband's truck. The truck was parked outside my window on that day just before my husband left with the two accused. The truck was not returned that afternoon after the shooting. I took Martin's suggestion that he would come back to sleep with me as a joke.

(CROSS-EXAMINED): I had had a tiff with my husband because he did not get home until late. We were not friendly when the two accused came. I brought up the subject about the tiff."

BERNARD COLLINS, sworn and examined:

MR. SPROULE: Your name, Mr. Collins, is Bernard Collins?---Yes.

Are you a manufacturer?---That is right.

Where do you live?---22 Inkerman Street, St. Kilda.

On Sunday, the 27th July, of this year, in the afternoon, were you driving along Robe Street, St. Kilda?---That is right.

Did you see the witness Hull there?---Yes, with a crowd of people.

Where was he?---He was stood in the midst of people.

At what part of Robe Street?---The corner of Robe Street and Acland Street.

Did you give him a lift along and drive him to the Alfred Hospital?---
That is right.

On the way did you stop anywhere?---At his wife's place.

Did you get out?---My wife did. S he was with me.

And after stopping there you continued on with the accused to the hospital?---That is right.

Not the accused, I mean with Hull?---I beg your pardon?

MR. GOLDBERG: No questions, Your Honor.

MR. MONAHAN: No questions.

(THE WITNESS WITHDREW)

JOHN MARION PETER BASSETT-SMITH, sworn and examined:

MR. SPROULE: Your name, Mr. Bassett-Smith, is John Marion Peter Bassett-Smith?---Yes.

What are you?---Importer.

Where do you live?---10 St. Leonard's Avenue, St. Kilda.

Are your premises at 10 St. Leonard's Avenue, St. Kilda, overlooking or do they let you look into Little Neptune Street?---They do.

On Sunday afternoon, the 27th July, were you in your premises there at St. Leonard's Avenue?---I was.

What attracted your attention?---I was sitting in the drawing-room writing and I heard what I took to be two shots fairly close together, and I stood up to enable me to see out of the window down into Little Neptune Street. There was a truck, a tray-bodied truck, standing with its bonnet towards me about - I stepped it out afterwards - about 20 yards from

the corner of Neptune Street on its correct side of Neptune Lane. As I looked, the driver's door flung open or swung open, and a man fell out onto the road. He picked himself up in a matter of a very short time, seconds, and with his back to me made off towards Robe Street running pretty fast. At practically the same time as his door flew open, the other door moved; I think it was open, but I recollect the near side door moving and two men came from the near side of the truck one after the other.

Which way did they go?---They ran towards Neptune Street.

Would that be up towards you?---Towards me.

Did you see where they went?---I was not able to see where they went because the wall of the verandah blocked my view. As far as I could see, they both reached Neptune Street which was out of my line of vision.

I do not know whether you were able to identify any of the three that you saw?---I was not able to identify them.

About what time was this?---3.35. I checked up with my watch a very short while afterwards.

Did you go out into Neptune Lane afterwards?---I did.

How long afterwards?---About 3 to 5 minutes afterwards.

Did you see the truck there?---I saw the truck there.

Did you see any revolver about?---I did not. No, I did not see a revolver.

Were there any people there when you got to the truck, any others about?
---There was nobody about when I reached the truck, nobody in sight.

CROSS-EXAMINED BY MR. GOLDBERG:

Mr. Smith, the near side door, that was open?---Yes.

And after you saw the driver, the man on the driving side, fall to the ground, the other men seemed to come from out of the truck?---
I could not say whether they came from out of the truck definitely or not. I was concentrating my view on the man

that fell out of the truck.

MR. MONAHAN: No questions.

(THE WITNESS WITHDREW)

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ELLIS IRVINE McDONALD, sworn and examined:

MR. SPROULE: Your name is Ellis Irvine McDonald?---That is right.

You are a detective stationed at St. Kilda?---Yes.

Will you come to the afternoon of the 27th of July, a Sunday?---Yes,
on Sunday afternoon the 27th of July this year at about
3.45 or 3.50p.m. in response to something I was told I went
with First-Constable Stephenson to Neptune Lane, St. Kilda.
I there saw a truck which I know to be that of the witness,
Hull. It was parked on the west side of Neptune lane, on
its correct side, about 15 feet back from the building line
on the south side of Neptune Street. I saw on the back of
the truck, on the near side front of the tray, three bottles,
two of them appeared to be full of beer and one was empty.
Back along the street some distance I recovered another
empty bottle. It was back near the corner where it appeared
as if it could have fallen off a vehicle into the gutter
as it was taking the turn. The truck was conveyed to the
St. Kilda police station. ~~Before xxxxxxxxxx~~

Before you took it to the St. Kilda police station, did you examine
the truck or the locality?---Yes, I made an examination
of the truck and the locality for spent cartridge cases or
anything of that nature and was unable to find any.

MR. GOLDBERG: No questions.

MR. MONAHAN: No questions.

MR. SPROULE: Just one minute, did you take possession of a coat?---
Yes, I did take possession of a coat, one that had two small
holes in it. That is the one, a hole through the sleeve
(indicating).

HIS HONOR: Well, where did you get that, in the truck?---Took
possession of it from the witness, Hull, from the hospital.

At the hospital?---Yes.

MR. SPROULE: Where is the other hole?---The other hole is in the left
breast.

MR. SPROULE: I put that in, if Your Honor please.

EXHIBIT "D" Coat.

(THE WITNESS WITHDREW).

WILLIAM WALL WARNER MOONEY, sworn and examined:

MR. SPROULE:

Your name, Mr. Mooney, is William Wall Warner Mooney?---Yes.

You are a detective at Melbourne?---I am.

Will you come to the 3rd of August of this year?---At about 11.30a.m.

on the 3rd day of August of this year with Senior-Detective Donnelly and other police, I went to 3 Enfield Street, St.Kilda, where I saw the accused Barrett. Helster accompanied us to the detective office where at 2p.m. the same day, in the presence of Senior-Detective Donnelly, I said to him "You know what we want to see you about". He said "Yes, over Hull being done". I said "Yes". He said "Do you know the whole story?" I said "No, other than we know that you and Charlie Martin were there and we believe that you shot Hull". He said "Have you got Charlie?" I said "You mean Charlie Martin?" He said "Yes". I said "No, not at the moment, but we hope to have him soon". He said "Why bother about Hull, he is only a bludger?". Senior-Detective Donnelly said to him "We cannot have these indiscriminate shootings and if you were shot we would have to enquire into that too". He said "He has been running round big-noting himself about the shooting of Donald Duck in Sydney. He would not have the guts to do it. Rene Green did it". Senior-Detective Elenara Donnelly said to him "Were you and Charlie Martin at ~~Kearney~~ guest house at 2 Fitzroy Street on Sunday last and left there with Hull shortly before 3.30p.m. and drove to Little Neptune Street in Hull's truck?" He said "Yes, you already know that". I said "Did you stay in the truck the three of you stay in the truck and consume a bottle of beer?" He said "Yes, and Hull put on a bit of a turn and we went through". I said "You are getting ahead of yourself a little". I said

"There were two shots fired, was that not so?" He said "Yes". I said "Who fired the shots?" He said "I am not going to say any more about it". I said "Did you shoot Hull?" He said "Hull was shot" and, he said, "I am not going to say any more until I see Charlie. At any rate if Hull is game enough he can tell you who shot him". I said "You are not going to suggest that Hull shot him?" He said "No, he would not have the guts to do it". I said "You are not going to suggest that Hull shot himself?" He said "No, he would not have the guts to do it". I said "Where is the revolver?" He said "I am not going to say any more". I said "We intend to place you in an identification parade so that some of the witnesses can see you". He said "Are they the ones that saw us running away from the truck?" I said "Yes, and leaving Hull's flat". Later, he was placed in an identification parade with a number of other men and in that line-up was a man Ernie Martin, a brother of Charlie Martin. One of the witnesses identified Ernie Martin in connection with another matter and on returning to the detective office the accused Barrett said "You can understand them taking Ernie for Charles, but they have made a blue, Ernie was not there". I said "No, but Ernie has been mixed up in this business". He said "Yes, but they have made a blue and that is ridge." I then cautioned the accused and said "Do you wish to make a statement?" He said "No, and I am not signing one." He was later charged.

HIS HONOR: Are Ernie Martin and the accused Martin alike?---They are alike, they are brothers, Your Honor.

MR. SPROULE: Did you say "related" or "alike"?

HIS HONOR: Alike?---They are alike and are brothers also.

CROSS-EXAMINED BY MR. GOLDBERG:

Are you sure that Barrett used the words "Rene Green"?---Yes, I am.

Had you heard of Rene Green prior to this stage?---I had not.

When you asked him about the shooting, did not he say that he was not

to blame for the shooting?---No, he did not.

And wasn't it then that you said "What, are you suggesting that Hull shot himself"?---I put it to him, "You are not suggesting that Hull shot himself".

I am putting it to you that that is what took place, after he said he was not to blame for the shooting?---He did not say that. And his reply was "Not exactly, he would not have the guts"?---He did not say that.

CROSS-EXAMINED BY MR. MONAHAN:

Mr. Mooney, how do you find your memory to be in regard to these conversations you have with men who are suspected of wrongdoing?---Reasonably good.

Reasonably good?---Yes.

Well, are you conscious of having - let me withdraw that. You have given evidence in relation to this matter before today?---I have.

That is to say in the Lower Court when these men were committed for trial?---Yes.

Are you conscious of anything that you have omitted today, but which you gave in the conversation when last you deposed to it?---No, I cannot recall it at the moment.

Well, these are the words, I suggest, and they may be important in this case - -

HIS HONOR: Are you asking him a question or making a statement?

MR. MONAHAN: Those are the words, Your Honor.

HIS HONOR: Are you asking him did he say this. You are telling the Jury something.

MR. MONAHAN: Did you say this on the last occasion "Hull put on a turn, there was a bit of a brawl"?---Yes, I did say that.

Well now, do you know whether or not today you did not leave out the reference to the brawl?---I think I did leave out the reference to a brawl today.

Yes. Well, that was quite unwittingly you did that, Mr. Mooney, of course?---Yes. (THE WITNESS WITHDREW).

CHARLES HERBERT PETTY, sworn and examined:

MR. SPROULE: Your name, Mr. Petty, is Charles Herbert Petty?---That is correct.

You are a Senior-Detective at Malvern?---That is so.

Will you come to the 3rd of August, please?---Yes. At about 3p.m. on Sunday, the 3rd day of August this year, in company with Detectives Holland and Quill, I went to X York Road, Mt. Evelyn where I saw the accused Charlie Martin. I said to him "I want you to come to Melbourne with me". He said "All right". He came to Melbourne with me and I was there joined by Detective Currer and we interviewed Martin. I said to him "Do you know what we want to see you about?" He said "No." I said "It is about the shooting of Keith Kitchener Hull at St. Kilda last Sunday". He said "Oh, yes, what do you want to see me about it?" I said "When did you go to Mt. Evelyn to stay?" He said "Last Monday night". I said "We have Paul here, meaning Barrett, and he has told us that he was with you when Hull was shot last Sunday". He said "Did he say who shot Hull?" I said "No, he won't say". "Did you shoot Hull?" He said "No, I did not." I said "Did you go to Hull's boarding house with Paul with some beer last Sunday afternoon?" He said "Yes." I said "It has been said that you and Paul went with Hull in Hull's truck to Little Neptune Street, St. Kilda, is that so?" He said "Yes." I said "It is said that either you or Paul shot Hull". He said "I am not going to say. I did not shoot Hull." I said "Well, who did shoot Hull?" He said "I am not going to say." I said "As it stands you and Paul will be charged with shooting Hull", and I then cautioned him. He said "I am not going to say anything further." He was then charged.

Who was Paul?---Paul is Barrett; he is referred to as "Paul".

MR. GOLDBERG: No questions.

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Well, Mr. Petty, it is put to you that your account of this conversation is just slightly different from a version you gave on another occasion. Do you think it may be?--- It is possible.

I suggest that this is the way you gave it the last ~~time~~ time you were in the witness box. "I said, it is said that either you or Barrett shot Hull". He said "I didn't shoot Hull, I am not going to say any more"?---Yes, well, I think the same words but reversed this time.

Well, you agree it might have been the correct version, the one you gave on the first occasion?---I think it would be.

(THE WITNESS WITHDREW).

CYRIL CURRER, sworn and examined.

MR. SPROULE: Your name is Cyril Currer and you are a detective at Melbourne?---I am.

Were you present with Senior Detective Petty at Russell Street on the 3rd August when Martin was interviewed?---I was.

Have you been present in Court today and heard his evidence?---I have.

What do you say about it?---It is true and correct.

MR. GOLDBERG: No questions.

MR. MONAHAN: No. questions.

(THE WITNESS WITHDREW).

HUGH REPERT DONELLY, recalled.

MR. SPROULE: Were you present, Mr. Donelly, with Detective Mooney on the 3rd August when Barrett was in his home and interviewed at the Detective office?---Yes.

Have you been in Court and heard Mooney's evidence?---I have.

What do you say about that?---It is quite true.

Did you get a bullet from Dr. Rollason?---I did.

Will you look at this bullet, Exhibit A I think it is?--- That is it.

EXHIBIT A Bullet (in absolutely).

And one from Dr. Hamilton?---I did. That is the one I got from Dr. Hamilton.

And what did you do with those bullets?---I later handed those to Sub-Inspector Hobley.

And did you also hand him some clothing?---I did; I handed him the shirt and coat produced. I took possession of the shirt from the witness, Hull, and the coat from Detective McDonald.

EXHIBIT D Coat, for identification.

HIS HONOR: You took that from Hull?---Yes, I took the shirt from Hull and the coat from Detective McDonald.

EXHIBIT E Shirt.

WITNESS: I was present when Constable took the photographs of Hull's truck. Those are the photographs put in today and copies handed to the jury.

CROSS-EXAMINED BY MR. GOLDBERG:

You went to Barrett's home with several other detectives, is that so?---Yes, I did.

Can you tell us how many detectives were there ~~there~~ before Barrett was taken to Russell Street?---Six.

And can you say that some detective there, prior to Barrett being taken to Russell Street had not mentioned to Barrett that you were enquiring as to the shooting of Hull?---No, I told Barrett why I was there.

That is before you took him to Russell Street?---I did.

So when he was taken to Russell Street he knew when he was asked, why he was there. He knew he was there over the shooting of Hull?---That is quite true.

Are you quite sure he mentioned the words, "Rene Green"?---He did. I had not heard the name "Rene Green" mentioned previously in connection with the enquiry.

When Mooney said to him, "Did you shoot Hull?" and he replied "Hull was shot and I am not going to say any more until I see Hull", did he also say this too, "I was not to blame"? ---He did not.

Anything like that?---No.

Did Mooney then say "Do you suggest that Hull shot himself", and he said "No, not exactly, he would not have the guts"?---Mooney asked him "Did he ~~shoot~~ say Hull shot himself", and he did not make that reply.

Mooney has told us he said, he would not have the guts, so that is not quite

correct?--- He did not make that reply.

I thought you said he didn't make a reply?---No.

I beg your pardon.

(THE WITNESS WITHDREW).

FREDERICK HOBLEY, sworn and examined.

MR. SPROULE: Your name is Frederick Hobley and you are a Detective Sub-Inspector at Melbourne?---Yes.

And officer-in-charge of the Police Scientific Section?---Yes.

Have you had experience in the examination of fire-arms and the missiles discharged from them?---I have.

And the effect of their discharge at close quarters?---Yes.

Did you receive from Senior Detective Donnelly a bullet, Exhibit A?---

I did.

When did you get that?---On the 28th July of this year.

And did you on the next day, later, get another bullet from him, Exhibit B?---

Later I got another bullet.

As to these two bullets, what do you say as to them?---They are of 32 calibre, lead and were fired from black powder ammunition.

And they have been fired from a revolver?---Fired from a revolver in my opinion, and probably from the same weapon.

If bullets are fired from an automatic are the discharged cartridges automatically ejected?--- Invariably the fired cases are ejected.

And from a revolver are the fired cases in-variably ejected from the revolver?--- No, not until the revolver is opened. They are then discarded by extraction.

Did you receive from Detective Donnelly a sports-coat and shirt?---I did.

Have you examined the coat?---Yes.

What did you find there?--- The coat has a hole in the sleeve, that is the left sleeve which is consistent with ^a ~~the~~ bullet hole.

About the wrist?---Yes, and also in the left breast which is consistent with a bullet hole.

Are there any indications on that coat or the bullet holes to suggest the range at which the bullet was fired?---No, I could find no

indication of any power marks or any burning.

At what distance would a shot leave power marks or burning on the coat?---

I would expect to find power marks at a range of 12 inches with black powder.

Will you look at this shirt here. There is a hole there?---There is a hole in the breast of the shirt corresponding to the hole in the breast of the jacket.

Did you detect anything on the shirt - blood, apparently?---What appears to be blood stains.

No scorch marks or powder marks?---No.

Would you expect to find powder marks on the shirt if the bullet had just passed through the coat?---No, not unless it was fired at extremely close range.

MR. GOLDBERG: No questions.

MR. MONAHAN: No questions.

(THE WITNESS WITHDREW).

MR. SPROULE: That is the case, if Your Honor pleases.

MR. GOLDBERG: Barret will give evidence on oath. He will be the only witness called in his own defence as there is no other witness available to him.

HIS HONOR: Is that you giving that bit? Is that bit your own evidence? You are here to announce whether you are calling evidence or not.

MR. GOLDBERG: I am not in a position to call any evidence, Your Honor.

HIS HONOR: Well, there is no need to say so.

GEORGE EDWARD BARRETT, sworn and examined.

MR. GOLDBERG: What is your full name?---George Edward Barrett.

And where do you reside?---Enfield Street, St. Kilda.

What are you by occupation?---A ship's painter.

Hull has said he has known you since about 1942, is that correct?---No.

How long have you known him?---I have known Hull since 1944.

Now, do you remember Sunday, 27th July?---Yes.

Of this year?---Yes.

Did you go with Martin anywhere round about 3 o'clock in the afternoon?---Yes.

PH/MH.

Where did you go?---I had asked Martin to come with me while I took some things out to Jacky Carter. He had gone out to Pentridge two days before, and he said "Yes". I left Martin's place with him and walked down Fawcner Street and there was a taxi rank at the bottom of Fawcner Street but there was no taxi there. We walked along Ackland Street to a taxi rank at Fitzroy Street which is opposite the corner of Ackland Street and there was no taxi there, but right alongside the rank there was a truck. Martin said to me "There is Keith's truck, I will get him to drive us out". Then we went over ~~the~~ to the house on the corner opposite where the truck was parked, and Martin knocked on the door and a man answered. Martin said, "Hullo, Eddie, is Keith in?" Eddie said "Yes, come in". He took us into the house and through another room and he knocked on the door and said to Keith, "Someone wants to see you".

MR. GOLDBERG: Who is Keith?---Keith is Hull. They replied, "Come in," and we went into Hull's room. Martin said, "We are going out to take Jacky Carter some things, out to gaol; how about driving us out?" I said to him "We cannot get a taxi and I want to take the things out today for Jacky". He said "All right, wait till I get dressed". Then he said "I have not got enough petrol to go out to Pentridge".

Was anything said at any time about not having any money for a taxi?---
No, we had money.

What was said about petrol?---He said "I would not have enough petrol to go to Pentridge". Martin said "I can get some for you just round in Neptune Street", and he said "All right, just wait till I get dressed", and Martin said "Well, we will get a dozen of beer and have a drink while you are getting ready". He said "All right".

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THE WITNESS: (Continuing): He said "Eddie will ring up for it".

Eddie was still present at the time, he then left the room.
Did the man come with the beer?---Yes.

How much was he paid for the beer?---50/-.

Who paid him the money?---Martin paid him 30/- and I gave him a pound.

How many bottles of beer were drunk there?---We drank three bottles.

Then what was said?---Mr. and Mrs. Hull were arguing all the time,
she said Hull had not been home that night, he had been out
and they were having just a - more of a domestic argument.

Yes?---And she said, meaning Hull, "He won't get back in here again
with me" and Martin said "Oh don' t be silly Judy, we will
be back as soon as we finish, leave half a dozen bottles,
have a drink when we come back.

Did you go anywhere after that?---Not until I left the house, I went
out to Hull's truck.

Who went?---Martin, Hull and myself.

Did you take anything with you?---I took two bottles of beer with me
and I think Martin took one.

Three bottles were taken?---Yes, three bottles taken.

How many were left behind?---Half a dozen were left behind.

When you got to the truck did anyone say anything?---I put the beer
in the back, put mallee roots and stuff over the beer so
it would not fall. Hull lifted the bonnet, had a look at
the petrol, said "About a gallon only to go anywhere with."
We got in the truck, I was sitting nextt o the driver Hull,
and Charlie said "We will drive around to Zucker's place,"
and I think we went up Acland Street. We went around, Hull
pulled up the truck in Little Neptune Street, Martin got
out of the truck and he walked across the road, I got out
the same time immediately after him, got a bottle of beer
off the back, I sang out to him "C harlie, have you got an
opener?"

Charles Martin?---Yes, he said "No, but I will open it with my teeth."

He came back, opened it with his teeth, he had a drink of the beer and handed me the bottle to have a drink.

Where were you when he handed you the bottle?---I was sitting in the truck, and I had a drink and I held the bottle towards Hull and said "Have a drink" and he said "Not off you." I said "Why not" and I handed the bottle back to Martin and Hull said "You have been crook at me for years, haven't you?" I said "What makes you think that Keith?" He said "You reckon I shot 'Duck' in cold blood, ^{don't} ~~didn't~~ you?" I said "Yes, that is right, I certainly do." He said "I think you're a cunt". I said "I think you're a cunt too." He said "Well, cop this, you bastard?". ^{(Q)L} ---Hull. Who said this? ~~Hull.~~ When I looked down I saw his hand come away from his pocket, I saw he had a gun in it. I

In which hand?---The left hand came away, I grabbed it before he got it up really, grabbed it with both hands, we struggled for it, it went off once, when it went off Hull seemed to let go more or less and put his hand there somewhere (indicating), I had the gun in my right hand then. I said "Break it down Keith." He grabbed at it, got the barrel with his right hand, I pulled away, as I pulled away I fell also, it went off again, I half got out of the truck, I was half in and half out of the truck. I picked myself up and I picked my hat up, I looked across - Keith was running away by then, he had got up and was running away. Martin said to me "Well, what will we do, will we go to the police?" I said "No, don't put him away" I said "he is all right." He said "Are you all right."

MR. SPROULE: I object to conversation.

HIS HONOR: Anything that took place is irrelevant if it is objected to.

MR. GOLDBERG: His Honor says that is not admissible. Who ran away?--- Hull ran away.

What did you and Martin do?---Ran away after a conversation between us.

Who had the gun?---I had the gun in my pocket when we ran away, I do not know how far away, subsequently I threw it away as I ran along.

Did you have the gun with you that day?---No, I did not.

I mean before you got it from Hull?---No, I did not, I never saw the gun.

Whose gun was it?---It was Hull's gun.

Did you try to shoot Hull?---No, I never tried to shoot him, it was accidentally.

Now the police spoke to you on the 3rd August I think it was?---On the following Sunday.

You have heard the police conversation. Is that more or less the fact?---More or less so.

Have you any memory about bringing Green to the place?---No, I have never heard of any person called Green.

CROSS-EXAMINED BY MR. SPROULE:

Now, had you ever had any words with this man before about the shooting of Donald Day?---He had spoken to me, he said "I hope you don't hold it against me" one day in the hotel in Sydney.

Where was this?---In Mansions Hotel, Sydney.

When was that?---That was - oh, approximately, it might have been a year or 18 months after the shooting.

HIS HONOR: Would that be after Hull's trial?---Yes, Your Honor.

MR. SPROULE: You had had some business dealings with him before?---I had been in partnership with him, yes.

Afterwards you were not in partnership?---I was not in partnership at the time it happened, the partnership had broken up previously to that.

You were not friendly with him after the shooting?---I was not friendly with him before the shooting, I was not there to be friendly with him, I was not in Sydney at the time.

It was when you went back to Sydney after the trial, met him in the

Mansions Hotel, he spoke to you about it?---I had previously spoken to him, spoken to Hull. I had previously drank in company where he was.

When he said something about hoping you had no hard feelings, what did you say?---I said "I don't want to talk to you about it".

Indicating you had some dislike for him?---I considered he had shot Day in cold blood, I just did not want to talk to him.

Did you say "When I want you I will send for you" or "If I want to see you I will see you?---No, I seen him every day, I was there every day.

About how long before July of this year was that meeting at the Mansions Hotel?---That was in 1946, I think it would be about the middle of 1946.

About a year before?---Yes, approximately.

When did you come to Melbourne?---First in October 1946.

After coming to Melbourne did you have anything to do with Hull?---Yes, I drank with him at an hotel in Fitzroy with other people, I went to a party at Fitzroy at Jack Carter's place.

Did you go with him to the party?---I never went with him to the party, he was at the party, it was only in one room.

You were at the party he was at?---Yes.

Were you quite friendly with this man about whom you entertained these suspicions?---With Hull?

Yes?---I was not friendly with him, I spoke to him. I spoke to him, never showed any animosity towards him, I had practically forgotten about the matter.

You were going out this day to Pentridge to take things out to Jacky Carter?---Yes, the Metropolitan Gaol.

Where were you living?---3 Enfield Street.

Had you left Enfield Street and gone and picked up Martin?---No, I had been at Martin's place for dinner, arrived about 11 o'clock.

What were you taking Jacky Carter?---Tooth paste, tooth brush, two or

three books, tobacco and papers.

Did you have them with you?---Yes, I did.

Where did you have the books?---Martin had the books in his pocket, I had all the rest of the stuff in my pocket.

All you wanted was transport out?---I just wanted to go out and leave them, I knew I could not get in the gaol, just leave them at the gate.

What was the need for two of you to go?---I just asked Martin to come out, he said "I will come out for a run".

He was carrying books and you were carrying the rest?---Things were in a parcel, at Martin's place I undone them, put all the other things in my pocket, said to Charlie "Will you put these things in your pocket", which he did.

Did you not like carrying a parcel out there?---Oh yes, it was easier to carry them in our pockets.

You just wanted company?---I just happened to be having dinner at his place, mentioned I was going out, he said "I will come out for a run with you".

He suggested he would come with you?---I might have asked him to come, I think I asked him to come with me, said "Will you come for a run?" He said "Yes, I will come out."

The plan was to go in a taxi?---Yes.

Who was to pay for the taxi?---I would pay for the taxi.

Are you sure it was Jack Carter?---Positive.

Not Joe Turner or Joe Taylor?---I don't know Joe Turner, never heard of him.

How long has Mr. Carter been out there? ---He had gone out on the Friday evening previous.

Had he asked you to bring these things out?---He did not expect to go out.

Well, had he asked you to bring these things out? He had been out some days. Had he asked you to bring - - -?---He had been out all the time, he went out unexpectedly. I was at the

Court before he went, with him.

Did he ask you to bring these things out to him at the gaol?---Yes.

When was that?---On the Friday at the Court with him.

He did ask you; and it was just by accident you could not get a taxi and you went into Hull's place?---I would not have known Hull's truck, Martin knew his truck.

It was just an accident being unable to find a taxi?---Yes, I did not even know Hull lived there.

Your only object being to go out, why did you order a dozen of beer when you got into this man's place?---We waited for him to get dressed, we were going to have a drink there, to have a drink along the road anywhere, which we took, three bottles.

Why ~~Not~~ a dozen?---It was just a friendly gesture.

Were you giving him a present for taking you out?---Oh no, we were all going to drink the beer.

He had agreed to your request to drive you out before the beer came?---Certainly.

It was not that he was being paid with beer to drive you out?---No.

How long did it take to get this dozen?---I would say not more than ten minutes, less, I think.

And then you go around to get some petrol?---Yes.

Did you know the way around to where the petrol was?---No.

Did you know Zucker's place?---No.

It was Martin's direction to go to Zucker was it?---Yes.

You go around there, the truck is stopped and Martin and you both get out?---Martin got out first, I got out after.

Martin heads off in the direction of Zucker's, you go to the back and get a bottle?---No, I did not have to move once I got out of the truck, I reached out.

When you got ~~xxxxx~~ out of the truck you reached around the back and got a bottle?---Yes.

Called to Martin for the opener?---Yes.

He came back and opened it?with-h- ----With his teeth, yes.

When he got back where were you?---I was sitting in the truck.

How far had he got before you called him?---I should say about 12 yards away.

When he is coming back you climb into the truck?---I got back into the truck and sat down.

Were you in a hurry to get back into the truck?---I was not in a hurry, I just got back and sat down.

The bottle was not open then?---No, I had it in my hand.

You handed it to Martin?---When he came around the door is open, frontways, he had to go around the door to get in, I handed him a bottle.

Then Hull said "Not from you" when you offered him a drink?---Martin had a drink, first, I had a drink.

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MR. SPROULE: And Hull said "Not from you"?---"Not off you", he said. This is the same Hull, is it not, who had been very willingly drinking your beer in his bedroom a few minutes before?---I had not handed him a beer. I had not poured out the beer.

But you had paid for the beer?---I had paid part of the money for the beer.

You were among the providers of the beer, and he had not objected to drinking?---No, he had drank.

And did not seem to object to going with you in the car?---No, he came with us.

It was your party out to the gaol?---He was not keen about going. He said he was not keen about going, "But I will come".

You were the man he was obliging by going out to the gaol?---We were all friends of Carter's.

You were the man who was taking out the things to, was it, Carter?---

I was taking the things out, but Martin was coming with me.

But if Martin had not come with you, you felt bound to take the things out to Carter?---If Martin was not coming with me, I would not have been near Hull's.

No, you would have gone out to Carter's some way?---I would have got a taxi and went out.

So that really you were the man that Hull was obliging?---Yes, if you put it that way.

And he drank the beer that you helped to pay for, and then in this truck he suddenly refused?---Yes.

Then you did have words, did you not; you told him flat out you believed he shot this fellow in cold blood?---I have told many people that.

That was the man you were quite willing to drink with?---I was never aggressive towards him. I had practically forgotten the matter.

You did not mind drinking with what you considered a cold-blooded murderer, did you; not too proud for that?---I would sooner drink with him than make an enemy of him.

There is no need to make an enemy of him. You went in to his place?---

I did not want to make an enemy of the man.

But you need not have made an enemy if you had stayed outside?---No.

I wanted to get out to the geol. I never thought anything of it. Charlie said "I will get him to drive you out".

All right, I was willing to be driven out by him.

And after some bad language in this car he said "Cop this" and put his left hand into what - his left-hand pocket?---He had it in his pocket, down towards the pocket; I take it it came out of his pocket.

That was the pocket next to you in the car, as you were driving?---Yes.

Had you felt the bulge or pressure of anything like a weapon as you sat next to him?---I had not felt anything, but if I had I would not have thought of anything; I would not have thought of it being a gun, if I had felt it.

There it was; he pulled it out with his left hand?---Yes, with his left hand. His right hand was over the other side of the driving wheel somewhere.

He did not fire it at you?---No, he said "Cop this".

You were at a disadvantage; you did not know he was armed?---I did not know, but he warned me by saying - - -

He could have pointed it at you quite easily?---No. I was warned.

As soon as I had the argument with him he said "Cop this".

I did not know what he meant for the moment, but I was warned, I was on my guard.

So much so you were able to get hold of his hand before he could do anything?---Yes, I did; I got hold of his hand. My right hand was close to his.

And you suggest the gun was still in his hand when it went off and shot him the first time?---I do not suggest it; I say it is a fact.

Did you have hold of his hand at the same time?---Yes, I did.

Were you deliberately bending it back?---I was bending it away from me, yes.

Were you deliberately bending it back to make him shoot himself?---

I was bending it away from myself.

Were you deliberately bending it back so that you could point it at him?---No.

And make it discharge?---No, I was not.

And according to you it just happened to be that way when it went off so that it hit him?---I had forced it around. I was determined not to have it pointed towards me.

It was pointed well away from you. Did you have hold of it when it went off?---Actually I did not have hold of it; I had hold of his hand, over his hand and part - - -

That is the left hand you had hold of?---Yes.

You had hold of his left hand when the gun went off the first time, and then you say he put his left hand up to his chest, did he?---He lifted it up like that (indicating) somehow, yes.

That is the one that had the gun. Had you taken the gun from him?---I got the gun away, yes.

You got it away?---I got it free in my hand.

It did not drop to the floor of the cabin or anything like that?---No.

You got it in your hand?---Yes.

That same hand that he had held it in when it was discharged was the one that he was later shot in?---When he was what?

The same hand he had been holding the gun with when it went off the first time, that is the hand he was later shot in?---So I believe now.

And you say that while you had the gun he tried to snatch it?---That was after the first shot had been fired. I had the gun and I said to him "Breek it down".

And while he was snatching, or during the struggle for the gun, it went off the second time?---He grabbed the gun and got it by the barrel.

Did you have it by the trigger guard with your finger on the trigger?---I had it like that (indicating), yes.

And the result of that was it went off when your finger pulled the

trigger?---When I pulled back, it came away from him easily, and I pulled very hard and I overbalanced, and I don't know, it went off while I was overbalanced.

You would not need to overbalance, if you had hold of it by the trigger, to make it discharge, would you; if you were pulling and he was pulling?---When he made a grab at it, he grabbed it, and I pulled it hard and pulled it away.

You do not need any overbalancing for that?---I overbalanced, yes.

I was around like that with my back towards the door; I did not fall right out, I half fell out of the truck.

He fell to one side; did you fall to the ground on the other side?---

No. I half fell out and put my hand out.

Where was Martin all this time?---I don't know where he was.

Did he save you from falling?---No.

It ended by you being left in possession of the revolver?---I had possession of the revolver then.

And then you and Martin ran away?---After some conversation, yes.

After some conversation, yes; but where did you run to?---We went to Martin's place.

And where was Martin's place?---In Fawkner Street, one street or two streets away.

How did you get there?---We went straight up Neptune Lane.

That is only a few feet, a few yards?---Yes, a few yards.

Did you turn into Neptune Street?---We turned into Neptune Street across the road and to Grey Street and crossed the road again and went down to the corner of Fawkner Street and walked straight along to Martin's place.

Where is Fawkner Street?---Coming down Grey Street, I think after Neptune Street there might be two or three streets before Fawkner Street; where the Courthouse hotel is on the corner.

Does Fawkner Street run across the top of Neptune Street?---No. That is Grey Street. Fawkner Street runs the same way, I think.

As Neptune?---Yes, as Neptune Street.

Which way did you turn when you got into Grey Street after running up