Neptune Street?---We crossed the road and went straight down to the right.

Turned to the right?---Yes.

How far down from there was Martin's house?---Might be 100 or 150, about a third of the way down the street.

This was Sunday afternoon?---Yes.

The two of you were running?---We ran until we got into Grey Street. We walked after that. Martin was in front of me / and I walked behind him.

Were you still carrying the revolver when you got to Grey Street?---No, I had thrown it away.

On Sunday afternoon, where did you throw the revolver away in Neptune Street?---Somewhere on the left-hand side of Neptune Street.

That was in the first 200 yards of your run?---I do not know how far it was exactly. I was excited and it was a good way. I don't know exactly where I threw it.

Did you throw it through somebody's window?---No, just over the fence.

Into what, a garden, or a vacant allotment?---I don't know what it was; into a garden, I think it was.

You would notice, would you not; it was broad daylight?---Yes.

And you could not say whether you threw it into a garden or a vacant allotment?---Into a garden it was, I feel sure.

Why didn't you say so at once?---I am pretty sure it was into a garden. I never looked.

On the left-hand side?---Yes.

You have heard Hull's story of how you and Martin went on that trip, and what happened, and that you said "Cop this" and fired. That is not correct?---That is not so.

It was the other way around; he said "Cop this" and drew the revolver? ---Yes. What I have said is the truth.

Did you report to the police that this man had attempted to shoot you? ---No, I did not.

Had drawn a revolver and attempted to shoot you?---No.

That was your position, was it not?---That was the position, yes.

Why didn't you report that?---Well, he had not shot me and I did not want to put him away; I would not be an informer against him.

You would take your chance of him having another go at you some other time?---I would not ever be with him again.

It is a small town, you know?---Yes. It was only an argument on the spur of the moment. I do not suggest - - -

He had dressed while you waited there?---Yes.

And he had come out with a revolver?---Yes. He had left the room while we were there.

And was willing apparently to shoot you in broad daylight out in this street?---I don't think he was going to shoot me at all; I think it was only the argument, only the spur of the moment, I would say.

I put it to you this way, that perhaps you are wrong, and it was you who shot him on the spur of the moment, just because of an argument?---No, I did not. What I have said is the truth of the matter.

When the detective was questioning you about it you did not tell him that this man had drawn a revolver on you?---I did not wish to get him into any trouble.

You did not tell him the story you have told here today?---I asked him what he knew about it and he said "I know nothing".

You thought he had better stay knowing nothing?---No, I told him I was there.

But you did not tell him this story you have told the Jury as to what actually did happen in that cab?---Hull said nothing. I was not going to put Hull away. I said "Ask Hull".

As to the revolver, you were asked what happened to the revolver, and what did you say?---I do not remember saying anything. I don't think I answered when they ask me that.

I suggest the position is this, when you were asked what happened to the revolver, you would not tell?---I think I said "I don't know where it is".

"Where is the revolver" and your answer is "I am saying nothing more"?---
Well, I did not know where the revolver was.

You could have told them what you have told us, that it was thrown away into a house on the left-hand side, into a garden on the left-hand side of Neptune Street?---I could have told them the whole story, but I did not want to put Hull away. I had not been shot.

That would not be putting Hull away, if you told them where the revolver was?---I did not know where the revolver was.

Anyhow, you were then charged with shooting Hull; is not that so?---
Yes.

You had no reason then - in fact, he put it to you that one of you shot Hull, did he not?---Who put it to me?

The detective put it to you that you had shot Hull?---No, he did not. I told the detective that Hull had put on a turn and there had been a brawl. He asked me did I shoot Hull and I said "No, not exactly".

You realised you were suspected of shooting Hull and being about to be charged with shooting Hull, did you not?---I was told I would be charged whatever happened.

Why then were you unwilling to put Hull away; why not tell the story then; you had no reason, I put it to you, then for shielding Hull?---I had no reason to give Hull away.

(PAGE 57 FOLLOWS)

MR. SPROULE: What about protecting yourself---Well, I did not think I needed any protection. I was innocent and I did not need any protection.

You did not need to tell them where the revolver might be found?---I did not know where the revolver was.

Did not it appear to you that if they went to where you told them the revolver was and found it, that it might clear you?---No, I could not see how it would clear me.

That the revolver might be plainly traced to Hull?---I knew Hull and I know that the revolver would not be traced to him.

You certainly did refuse to tell them about the revolver, what you had done with it?---I knew the revolver would not be traced to Hull. I knew he had a criminal record and would not have a licence to carry a revolver.

Yes, but you knew where the revolver might be found, in a garden in Neptune Street?---I never looked where I threw it.

But you knew you threw it into a garden - I want to see how far you will go, Mr. Barrett?---I knew I threw it into a garden in Neptune Street, yes.

Neptune Street is not a mile long?---I could not say how long it is.

You threw it into the garden in Neptune Street just before you got to Grey Street?---As far as I recollect.

I put it to you it is only a short distance from Little Neptune Street up to Grey Street?---I do not know how far it is.

You know it is not a mile?---I know it is not.

You know it is not half a mile?---I think it is about half a mile.

You were running?---I think it is about half a mile.

They only had to look in the gardens along there. Is it you did not want the revolver found?---It was Hull's revolver, I did not care whether it was found or not.

Well, why not let the detectives have a hunt and find it?---I never mentioned it to the detectives.

They mentioned it to you though?---They were not antagonistic towards me, they never asked me questions much, they asked me what they wanted to. They did not seem to want to find the revolver.

They were not keen to find it.

If they found the revolver that would not give Hull away, you say?---

They only asked me once. They said straight away "You will be charged". They never persisted. If they had persisted and asked me, said it was necessary, I would have told them.

How many times would they have had to ask you where the revolver was before you told them?---Well, if they had persisted, if they asked me the next time I might have told them.

They stopped asking too soon?---I beg your pardon?

They stopped asking too soon?---They said "You will be charged." They only seemed to want to know whether we was there, that is all that interested them.

Well, you have not told this story at all, that you have told here today, before you came here today, in any Court or to the police?---I did not tell any story to anyone.

Look, about this Rene Green, didn't you say that this man, he did not shoot Donald Duck, he would not have the guts to do so. Did you say that?---Yes.

And at the time of the shooting, where were you?

HIS HONOR: At the time of what shooting?

MR. SPROULE: In Melbourne or Sydney?---I was in Brisbane.

Had you ever heard of a man called Rene McCormick?---The woman Day lived with was Rene Day, I never knew her by any other name.

The woman who lived with?---Donald Day.

That Day lived with?---That is correct. Hull was living with her at ~~Kitt~~ the time of the shooting, I believe.

Was her name Rene?---Yes.

Wasn't she known as Rene Green?---Not to my knowledge, never.

Did you suggest to anybody it was Rene who shot - -?---No, I had expressed my belief many times before that Hull had shot Day.

You just told us he would not have the guts to shoot him?---I meant he would not have the guts to shoot him except in cold blood.

I put it to you that you suggested it was done by this Rene?---I did not.

I put it to you that you suggested to the detectives that Rene, Rene Green, had done the shooting?---I never heard of a Rene Green and I never ever suggested anyone but Hull shot Day.

(THE WITNESS WITHDREW).

HIS HONOR: That is your case, Mr. Goldberg?

MR. GOLDBERG: That is my case.

HIS HONOR: What course do you propose?

MR. MONAHAN: I ask Your Honor to direct the Jury in regard to the accused Martin at this stage, that there is no case for him to answer. It is common ground, I think, that mere presence at the scene of a crime cannot make the person who was merely present a participant unless there is something to show it is a common purpose. In this case it is submitted with confidence that there is nothing to which the Prosecutor can point as indicating any common purpose. Hull, it is suggested, has made it quite clear that they set out here in this friendly way and they were intending to go back and finish the beer and they went round to this place for the purpose indicated Zucker's place, to get the petrol, and whatever happened appears to have happened very spontaneously. Martin at the time, ~~xxxx~~ it is Hull's belief that Martin had merely come back to open the bottle and had started off again to get the petrol.

HIS HONOR: Yes. What do you say about this, Mr. Sproule?

MR. SPROULE: Your Honor, some matters that I opened have not come out and others have had a different complexion put on them by the evidence in explanation of one or two things I considered significant, to clear the ground on them, and I really think I cannot answer my friend's application.

HIS HONOR: You have closed your case, Mr. Goldberg?

MR. GOLDBERG: Yes, excepting - - -

HIS HONOR: Excepting what?

MR. GOLDBERG: It all depends on what will happen.

HIS HONOR: Nothing will happen, if that is the case. At some later stage, Mr. Monahan, I will consider your request. Mr. Goldberg, I understood, had closed his case, now he indicates he has not or he may not have. We will adjourn.

MR. MONAHAN: Would Your Honor, before adjourning tonight, hear me in the absence of the Jury?

HIS HONOR: Yes.

(In the absence of the Jury).

MR. MONAHAN: Your Honor, what I think my friend, Mr. Goldberg, was trying to indicate at the earlier stage when Your Honor asked him to repeat the announcement of his course, his difficulty is he is not able to call Martin until I have decided on Martin's defence.

HIS HONOR: I know.

MR. MONAHAN: Now, it is my submission, particularly in view of the fact that the learned Prosecutor is in complete agreement with my submission, it is my submission that Martin is entitled now, at this stage, to have a verdict of not guilty returned in his favour. What I think Mr. Goldberg is trying to indicate to Your Honor is he proposed to call him.

HIS HONOR: Yes.

MR. MONAHAN: But I have something to say in regard to that matter and I should not, it is submitted, be put in this position, this false position.

HIS HONOR: And there is another very false position and it has happened in these Courts too.

MR. MONAHAN: I do not know what you are talking about.

HIS HONOR: Two men on trial and a Judge gives a direction in one and he is acquitted and immediately gets into the box and says "I did it".

MR. MONAHAN: Does Your Honor think he is going to do that?

HIS HONOR: I am not going to give him the opportunity.

MR. MONAHAN: I think that is rather a ~~fanciful~~ fanciful objection that you

taking.

HIS HONOR: I know, but it has been done.

MR. MONAHAN: Mr. Goldberg is not calling him to do anything other than to corroborate his case, but the position I am in is I submit it is quite wrong to force me now in the light of the argument and where it is common ground between the Prosecutor and myself on this submission, it is wrong for Your Honor to force me in a capital trial into the position of putting my client into the witness box to prove a negative and to be put to the risk of being cross-examined about matters that the Jury are invited not to believe him about.

HIS HONOR: You will have to take that risk, Mr. Monahan. I do not propose to make that direction at this stage.

MR. MONAHAN: Will Your Honor allow me then to indicate in the morning; I would like to consider the position in the light of this?

HIS HONOR: Yes.

MR. MONAHAN: You see, it is common ground there is no case against him and the evidence is closed, and there is only one proper thing in my submission and that is that he should be found not guilty.

HIS HONOR: Well, I do not propose to.

AT THIS STAGE THE COURT ADJOURNED UNTIL 10.30a.m.
ON TUESDAY, 16th SEPTEMBER 1947.

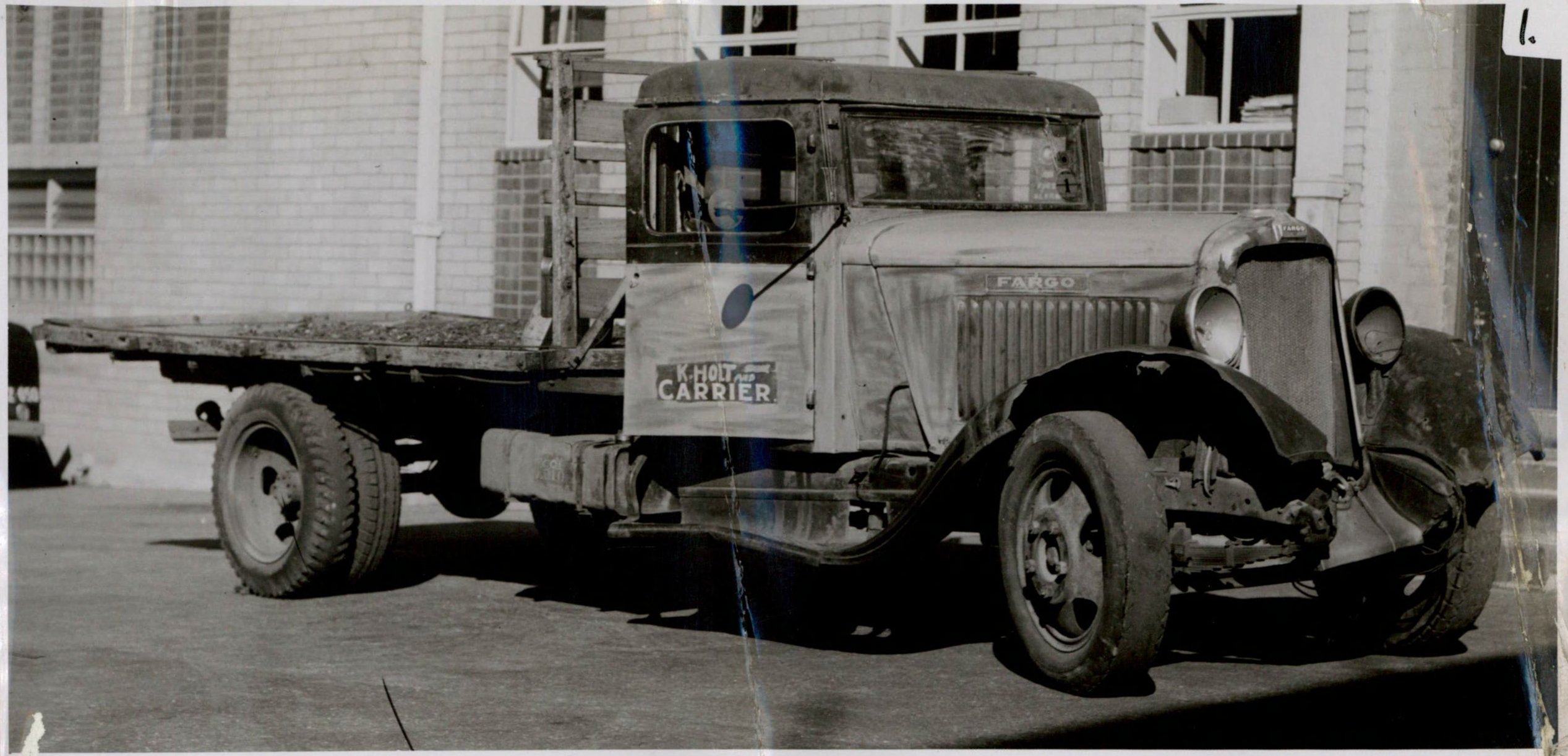
A Bullet found in Gimlet

B Bullet in wrist

C 2 photos of Track

D Coat.

E Shirt


1.
FARGO
K. HOLT
CARRIER

2.
FARGO

A Bullet found in Singlet

B Bullet in wrist

b 2 photo of truck

~~D Tape Nails~~ b

D Coat.

E Shirt

SUPREME COURT, MELBOURNE.

15th September 1947.

T H E K I N G

v

GEORGE BARRETT

and

CHARLES WILLIAM MARTIN.

Wounding with intent to murder sec 8

XD

COPY OF DEPOSITIONS

Office

A Commissioner of the Supreme Court of Victoria for taking affidavits

This is the exhibit marked A referred to in the affidavit of Francis Patrick Morthur sworn before me this 25th day of August 1947

G. R. B.

SUPREME COURT, MELBOURNE.

15th September 1947.

T H E K I N G

v

GEORGE BARRETT

and

CHARLES WILLIAM MARTIN.

ROBERT AINSTEE ROLLASON,

Sworn saith : - I am a legally qualified medical practitioner at the Alfred Hospital. At 3:35 p.m. on 27/7/47 I saw a man named Keith Kitchener Hull at the casualty department of Alfred Hospital He is the man in court today. On examination I found that there were two wounds in his chest. It was an in-and-out wound. One wound was one inch to the right of his left nipple and the other one was almost at the midline. They were communicated by a track under the skin which was almost horizontal. The track did not enter the chest cavity as far as I could make out. In my opinion the wounds could have been caused by a bullet of about .32 calibre. I found a bullet lying in Hull's skin under his singlet. I later handed it to Snr. Det. Donelly. It is similar to the bullet produced - A. Hull had a small depressed wound half an inch up from the styloid process of the radius. The radius is the outer bone of the wrist on the thumb side. There was no exit wound there. The entrance wound there was about the same size as that in his chest. I was not present when that bullet was removed.

Second marks on singlet

R. ROLLASON, 15/8/47

Hard possible for Hull to shoot self with right hand at those angles

NICHOLAS TALBOT HAMILTON,

Sworn saith : - I am a legally qualified medical practitioner at the Alfred Hospital. On afternoon of 27/7/47 I saw Keith Kitchener Hull at the Alfred Hospital. At 11 p.m. that evening I operated on his left wrist and removed the bullet produced - B. It was on the dorcal side of the wrist between the capitate and the multangulum major bones in the wrist. It is the wrist joint. It had penetrated the wrist.at an oblique angle. The bullet was about 1½ inches from the entrance and about ¼" from the surface. It was wedged there and I had some difficulty in removing it. Hull was given an anaesthetic. There is almost certain to be some permanent injury to his wrist joint. On 28/7/47 Hull was allowed to leave hospital.

N. TALBOT HAMILTON.

KEITH KITCHENER HULL,

Sworn saith : - I am a wood carter and reside at 'Ellenara' 2 Fitzroy-st., St. Kilda. I have known accused Barrett since 1944. I first knew him in Sydney. I have known accused Charles Martin round about the same time I think. I first met him in Victoria. My wife's name is Valma Edith Hull. She is called Judy. On 27/7/47 at about 3 p.m. accused Barrett and Martin came to my room on the ground floor at Allenara. Mrs. Hull and I were in bed at the time. The first indication I had that they were there was that I was told they were there. They both entered my room. They got a dozen bottles of beer off someone they knew after they entered the room. Soon after they entered the room Barrett mentioned something about conveyance to take them to Pentridge Gaol. I own a 1936 Fargo truck. One of them said "We have not got ~~xxxx~~ enough money to get a taxi out to Pentridge. Would you drive us out" I said "Who is it" One of them said "A fellow named Joe Turner" Both accused were present at the time. I said "I wouldn't have enough petrol to get you out there." Barrett said "I can get you about 6 or 8 gallons if you've got enough to get into ~~town~~" About 3 bottles of beer were opened there. I had a glass and I think Mrs. Hull may have had one glass. Martin had a couple of glasses but Barrett consumed the rest I think. He was drinking pretty fast. I finally agreed to drive them to Pentridge. At about 3:20 p.m. that day I left my room with the two accused. Martin said to my wife as we were leaving "Seeing that Keith is going away who is going to be your husband for tonight. He won't be coming back" As we were leaving the room a Miss June Grady came along. Martin said to her "How are you, Curly Top" or something like that. At that time my truck was parked opposite my window in Beaconsfield Parade. My window is the last window. We went out our side door and walked over a low fence instead of going to the front gate. The two accused took three bottles of beer with them and left about six in the room. When we arrived at the truck I got inside and started it. I then got out and measured the petrol. I said to Barrett "There you are, you can see I haven't got much juice at all" I don't think he replied. They put the beer in the back of the truck and pushed some mallee root dust up against it. The beer was put in the corner behind the opposite side of the driver's side close to the cabin. I got into the driving seat again and Barrett got in beside me. Martin got in beside Barrett. I drove down Beaconsfield Parade and around the triangle into Fitzroy-st. I turned up Acland-st and into Robe-st and then into Neptune Lane. ~~Martin~~ Barrett suggested going to Neptune Lane to see a man and to get £3 or £4 off him. We proceeded about 30 to 35 yards along Neptune Lane and got almost to a paddock on the left hand side. ~~Martin said "Pull up here."~~ I just pulled up at the spot. I'll go over and get this money if I can" Martin got out of the truck and Barrett followed. I sat in the truck and turned the engine off. Martin crossed Neptune Lane at an angle and went to a post on the corner of Neptune Lane and Neptune-st. Barrett then called out "Have you got the opener" Martin said "No, I will come back and open it for you" Martin came back and opened a bottle of beer from the back of the truck with his teeth. He gave the bottle to Barrett. Barrett then put the bottle inside the truck and said "Have a drink" I said "I don't want one" I have a boy-cott At that time both accused were standing outside the opposite door of the truck to where I was sitting. I was sitting behind the wheel with my hands on the steering wheel. As Barrett spoke to me I looked at him but did not alter my position. I moved only my head when I spoke to him. Barrett had a drink and then gave the bottle to Martin who had a drink. I said to Martin "You'd better go and get that money Charlie. I don't feel too well" I had been drinking all the night before. Barrett then turned round and said "No. Well, cop this" I heard shot. I felt a stinging in my chest and put my left hand up. I then felt a stinging in my left hand. I saw Barrett with a revolver gun in his hand after the first blow. I saw him fire at me. There was a bit of space between his shots. I do not think it was an automatic. I am not sure what it was. After the first shot I put my hand as I am indicating. I saw blood on my

Martin my love said. I can get you some petrol in Neptune St.

I am right - handed

Martin was to walk away He my love mentioned blonde Jacker

B. not actually with him when Martin returned.

I did not say "Not off you" to B. Since I didn't feel like one

I did not say to Mr B (the Prosecutor) you have been crucified on me for years. I know B. thought I had shot D. Day in cold blood.

I did not say I think you are a coward. He did not say I think you are a coward too. I did not say "Of three you behaved" I drew a gun. Had drop with Martin at places on fatal day

hand and then got the other one through my wrist. Photograph No. 1 is a photograph of my truck - C. Photograph No. 2 shows the interior of the cabin of my truck. The rubbish in photograph No. 1 is the mallee root dust I have spoken of. There is no lock on the door of my truck on the driving side. When the second shot was fired I leaned against the door of my truck. It opened automatically and I fell out of the truck. I think it was the impact of the second bullet and the thought of getting out of the truck as quickly as I could; I actually fell on to the roadway. I called out "Help" Nothing happened and I got up and ran towards Robe-st. I did not see what happened to Martin and Barrett. I did not look back. At the corner of Acland and Robe-st I saw a man in a motor car. I told him something and he drove me to the Alfred Hospital. On the way I got the driver to c all at my room. Mrs. Hull was down in her mother's room. I was admitted to the Alfred Hospital. Dr. Rollason recovered a bullet from my 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 turn; I did not expect anything at all. I was seen by the detectives on the day I was admitted to the Alfred Hospital. I had no firearm in my possession on that day. I had no weapon at all with me that could be used for violence.

XXd Galbally:-

He shot at 4' & 4'6" from me

I have told the whole truth about this matter. There is only one reason why I turned round and told the truth about it. I regard it as my duty to bring these men to justice. Since the shooting my attitude has not been the same at all times. It was not until the Thursday. I have not been offered any inducement by the police to give evidence. I did it of my 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 3 months for actual bodily harm in Melbourne in 1939; 6 months in 1941 for forgery and uttering in Melbourne; 3 months for false pretences (the sentences in these two were cumulative); 3 months in Sydney in 1944 for consorting; 6 months in Sydney 1945 for consorting. Since 1939 I have done 21 months imprisonment. I 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 Donald Day in Sydney in 1945 in self defence. I do not agree that it was a brothel. It was a respectable house. My life had been threatened by Donald Day. I got the gun from an American in the 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 to my wife that she would need another husband that night I took it as a joke. I had had a 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 would be about 8/8/47. It was 11 days prior to that that I had remained silent 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 gaol at this time. As Martin left my room he said "Who is 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 typewriter or something like that. I was not afraid for my own sake; I could have looked after myself. Barrett was a friend of Donald Day's in Sydney. I do not speak to him. On 27/7/47 I was not in fear of Barrett because he was with Martin. I had been drinking with Martin the day before. Barrett gave me an indication in Sydney in 1946 that he would shoot me. I have seen him often since but had never spoken to him. I have been in his company with other people only on one occasion; that was at Fitzroy. He has never made an attempt

No animosity between Martin & me

to molest me. Barrett 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 2 or 3 hours.

XXd 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 signed it. I was charged with the murder of Donald Day. I was found Not Guilty, by Supreme Court in Sydney. I acted in 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 disclosed at the trial that I obtained the gun from an American who was present. I have never been convicted of any offence relating to pistols. In 1946 at the Mansions Hotel, Kings Cross, Sydney, one night I said to Barrett "I hope you don't think anything about that business between myself and your mate" (I was referring to Donald Day). He said "~~Book~~, 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 Geoff Marriott. Barrett and Donald Day were associating ingetting 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 disclosed in my statement. I was wearing the coat and shirt produced - F - on the afternoon I was shot.

Barrett was a friend of Donald Day

KEITH K. HULL.

VALMA EDITH HULL,

Sworn saith :- I am a married woman residing at 'Elenara' Guest House, at 2 Fitzroy-st., St. Kilda. Keith Kitchener Hull, the last witness, is my husband. I have been at Elenara about 6 months. On 27/7/47 at about 3 p.m. I heard a knock on the door. I called out "Come in" Accused Martin and Barrett came into the room. I had known Barrett by hearing of him and seeing him about. Later they got a dozen bottles of beer which were brought there by another man. I had known Martin for about 12 months. There was a discussion about going somewhere. Both accused were present when 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 '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 3 bottles of beer with them and left some in the room. The coat and shirt produced - F - are the ones my husband was wearing that day. The two accused had never been to my room before to my knowledge. About 20 minutes after my husband left a man and a woman came to my window. As a result of what they told me I went to the Alfred Hospital where I saw my husband. He was wounded. Photograph No. 1 is a photograph of my husband's truck - C. 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.

XXd Galbally:- I had had a tiff with my husband because he did not get home till late. We were not friendly when the two accused came. I brought up the subject about the tiff. I have been convicted of some offences. It would not be a lot. I was convicted of unlawful possession some time back.

I did not go to gaol. I can only remember one conviction. I suppose I can remember other convictions. I can't remember the last conviction; I have been acquitted so many times lately. I have never served in gaol sentence. I have been convicted of loitering a couple of years ago. It may have been two for loitering. I don't remember what else. There may be some more for loitering. It was at least two years ago. I have a reasonable memory. I don't think I had any convictions 5 or 6 years ago. I had the conviction for unlawful possession before I was 21. I have other convictions but I am not sure if they are for loitering.

XXd Police:- I don't think I have been convicted of any offence in the last two years. I am expecting a child in December of this year. The largest fine imposed on me is £5. During the six months I have been at Elenara there has been no complaint about my conduct. During that time I have not been spoken to by the police for misconduct.

VALMA HULL.

RECALLED (Mr. Galbally) I cannot remember any other convictions. I have been convicted of soliciting prostitution. It would possibly be more than once. It was not more then ten times. I am not sure if it would be more than five times.

VALMA HULL.

BERNARD COLLINS

Sworn Saith :- I am a manufacturer and I reside at Flat 5, 22 Inkerman Street, St Kilda. At about 3-35 p.m. on 27/7/47 I was driving my car along Robe St. St Kilda. I there saw witness Hull at the corner of Robe and Acland Sts. From something I was told, I took him in my car to the Alfred Hospital Before going to hospital he got me to drive to 2 Fitzroy St. St Kilda. He was concerned about his wife. After I left Hull at the Hospital, I returned to 2 Fitzroy St. St Kilda, and had a conversation with Mrs. Hull.

B. COLLINS.

JOHN MARION PETER BASSETT-SMITH

Sworn Saith :- I am an importer and I reside at Flat 11, 10 St Leonard's Ave. St Kilda. My flat overlooks Little Neptune St. St Kilda. At (3.35 about 3-30 p.m.) on 27/7/47 I was sitting in the drawing room of my flat. I heard two sounds that were apparently shots, some seconds apart. I looked out the window. I saw a truck standing about 20 ~~odd~~ yards from Neptune St. in Neptune Lane facing me. It is the truck in photograph 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 door opened towards me I was unable to see the man clearly. He picked himself up and ran towards Robe Street. He was wearing a coat very similar to the one produced "F" (F). Almost at the same time the near rear side door of the truck moved and two men came running towards Neptune Street. 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 would 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 sallow and he was clean shaven. His side boards were not much longer than mine. I could express some slight similarity; it is 3 weeks since. Accused Martin is similar to the second man.

Near side door moved
I thought he was the
I saw before

X XD MR. GALBALLY :- I was shown a line up of a number of men about the same size as accused Martin. I could not pick out Martin. I have not seen quite a number of men since, who resemble that second man. I would not definitely say that I could identify a man on a few seconds observation. The second man had on a grey colored 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 accused Martin in the line up.

X XD GALBALLY :- 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 description of 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 couldn't. I said I would have some difficulty in identifying him again.

J. P. BASSETT-SMITH.

JUNE DOREEN GRADY

Sworn Saith :- I am a waitress at Elenara 2 Fitzroy St. St Kilda. I know Mr. & Mrs. Hull who have a room at that address. Sometime shortly after 3 p.m. on 27/7/47 I went to Mr. Hull's room. As I was 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. I attended a line up at Russell Street 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 one of the men who came to the house on 27/7/47 when I saw him take his overcoat off. That man was similar to accused Barrett. I cannot even say the man was the same one. I did not take any notice of the second one. It was only a matter of a few seconds that I saw the two men at Mr. Hull's door on 27/7/47.

X XD MR.GALBALLY :- Before Mr. Thompson came into 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. Barrett was not hiding his face with his overcoa I cannot say what difference having his overcoat on, made.

J. D. GRADY.

ELLIS IRVINE McDONALD

Sworn Saith :- I am a Detective stationed at St Kilda. At about 3-50 p.m. on 27/7/47 from something I was told I went with 1st. Const. Stephenson to Neptune Lane St Kilda. I there saw a motor truck which I know to belong to ~~with~~ witness Keith Hull. This truck was parked on its correct side on the west side of Neptune Lane about 15 feet back from the building line 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 (G). They were on the near side front corner on the tray, resting on and surrounded by a quantity of dust and chips. I found another beer bottle near the corner of Neptune Lane and Robe Street. I produce that bottle (F). I made an examination of the interior of the truck and of the surrounding roadway 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 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.

"G"

"F"

"

E. I. McDONALD
Det. 1/C. 9518.

FREDERICK HOBLEY

Sworn Saith :- I am a Det. Sub-Inspector at Melbourne and Officer in Charge of Police Scientific Section. On 28/7/47 I received from S/Det. Donelly recovered bullet (A) produced, the clothing which is produced (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 of the left sleeve on the outside. The shirt had a hole in the left breast in a corresponding position to that in the coat. These holes were consist ent with bullet holes. Later I received from S/Det. Donnelly a second bullet (B) produced. I examined these bullets. They are lead and are consistent with having been fired from black powder cartridges used in a .32 revolver.

"A"

"F"

"B"

No indication of powder marks in coat

Expert to give evidence of range of 12"

F. HOBLEY.

WILLIAM WALL WARNER MOONEY

Sworn Saith :- I am a Detective at Melbourne. At about 11-30 a.m. on the 3rd. day of August 1947 in company with Sr. Det. Donelly and other detectives I went to 3 Enfield St. St Kilda where I saw accused Barrett. He later accompanied us to Russell St. Detective Office where at 2 p.m. the same day, I said to him "You know what we want to see you about" He "Over Hull being done" I "Yes" He "Do you know ~~Hull's~~ the whole story" I "No. Only that you and Charlie Martin were there when he was shot and we believe you shot him" He "Have you got Charlie yet?" I "You mean Charlie Martin?" He "Yes" I "We have not got him at the moment, but we ~~will~~ hope to have him soon" He "Why bother about Hull. He is only a bludger" S/Det. Donelly "We can't have these indiscriminate shootings and if you were shot we would have to inquire into that, too" He "He has been running around big-noting himself about shooting Donald Duck. He wouldn't have the guts to do it. Rene Green did it." Sr. Det. Donelly "Were you and Charlie Martin at Elenara Guest House at 2 Fitzroy Street, St Kilda last Sunday afternoon and left there with Hull shortly before 3-30 p.m. and drove to Lit. Neptune Street in Hull's truck" He "Yes, you already know that" I "The three of you ~~sat~~ sit 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 Charlie and I "went through". I "You are getting ahead of yourself a bit. There were two shots fired before you and Charlie ran away. Is that not so?" He "Yes" I "Who fired the shots?" He "I don't want to

No scratch marks shirt.

He did say "But I was not the one"

Big gaberal

say any more about that" I "Did you shoot Hull" He "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" I "You are not suggesting that Hull shot himself" He "He wouldn't have the guts to" I "Where is the revolver?" He "I have said enough. I am saying nothing more" I "We intend to place you in an identification parade so that some witnesses can view you" He "Are they the people that saw us running from the truck" I "Yes, and leaving Hull's flat" He was later placed in an identification parade with 8 other men including Ernest Martin brother of Charles Martin. Ernest Martin was identified in connection with another offence, and on returning to the Detective Office, accused Barrett 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 warned accused and said "Do you wish to make a statement?" He "No, you won't get me signing anything" He was later charged.

X XD :- He was charged at about 6 p.m. that day. I 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 and other matters. I would say "under arrest" means "detaining against ones will". He knew what he would be charged with. He was told at about 4 p.m. after we had finished questioning him. I had not told him prior to that. He was held until 4 p.m. without being told what he would be charged with. I did not tell him what he was wanted for when we first went to Russell Street. From 11 till 2 p.m. 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 p.m.

XX :- Accused Barrett did not ask to leave at any time while he was at Russell Street. He was questioned about other matters. While Barrett was at Russell Street I had to leave on occasions. I was away for considerable times between 11-30 and 4 p.m. He made no complaint that he was being wrongly detained.

XX :- Barrett was not told by me what he was being charged with. I was not present when the informations were laid.

W. W. W. MOONEY.
Det. 1/C. 8682.

CHARLES HERBERT PETTY

Sworn Saith :- I am a Sr. Detective at Melbourne. At 3 p.m. on 3/8/47 with Det's. Holland and Quill I went to York Road, Mt Evelyn where I saw accused Charles Martin. I "I want you to come with me to Melbourne" He "All right" He came to Melbourne with me and I was there joined by Det. Currer and I interviewed Martin" I "Do you know what we want to see you about?" He "No" I "It is about the shooting of Keith Kitchener Hull last Sunday" He "Oh yes. Why do you want to see me about it?" I "When did you go to Mt. Evelyn to stay" He "Last Monday night" I "We have Paul here (meaning Barrett) and he has admitted being with you when Hull was shot last Sunday" He "Does he say who shot Hull?" I "No, he won't say. Did you shoot Hull?" He "No, I did not" I "Did you go to Hull's boarding house with Paul with some beer last Sunday afternoon" He "Yes" I "It is said that you and Paul went with Hull in Hull's truck to Little Neptune St. Is that so?" He "Yes" I "It is said that either you or Paul shot Hull" He "I did not shoot Hull. I am not going to say ~~anymore~~." I "Who did shoot Hull?" He "I am not saying anymore" I "Why did you clear out from Melbourne and go to Mt. Evelyn the next day after Hull was shot" He "I wanted to get out of the road, and they had a bit of painting to do up there" I "As it stands, you and Paul will be charged with shooting Hull" I cautioned him. He "I'm not going to say anymore" He was later charged.

X XD :- I think Martin has a few minor convictions. I heard him admit to a few convictions at Russell Street, including military convictions of A.W.L or desertion. He was convicted at Richmond on 6/1/42 for insulting words 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 and the gun went off". I did not say "You are not doing yourself any good. I know that Hull has been charged with murder, and is no good" or anything

like that. Martin admitted he knew Hull, but did not mention his record. He denied shooting Hull. Det. Currer and I had been on duty since early morning and it was my attitude that we would be wasting time asking questions at that time. It would be about 4-15 p.m. that I first saw Martin. He was charged at about 6-40 p.m. I think he was charged before Barrett was.

CHARLES H. PETTY
Sr. Det. 8358.

CYRIL CURRER

Sworn Saith :- I am a Detective at Melbourne. I was present with Sr. Det. Petty at Russell Street on 3/8/47 when he interviewed accused Charles William Martin. I have been present in Court and heard S/Det. Petty's evidence in relation to that matter. It is true and correct.

CYRIL CURRER.
Det. 1/Const. 8369.

HUGH RUPERT DONELLY

Sworn Saith :- I am a Detective at Melbourne. I was present with Det. Mooney on 3/8/47 when accused Barrett was seen at his home and interviewed at the Detective Office. I have been present in Court and heard Det. Mooney's evidence. It is true and correct. On 27/7/47 Dr. Rolla son handed me the bullet pro-
"A" "B" duced (A). On 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 ~~get~~ ballistic observation. On 11/8/47 I was present when Const. Walker took the photographs of Hull's truck.

H. R. DONELLY,
Sr. Det. 7740.

The foregoing depositions of Robert Ainstee Rollason, Nicholas Tolbert Hamilton, Keith Kitchener Hull, Valma Edith Hull, Bernard Collins, John Marion Peter Bassett-Smith, June Doreen Grady, Ellis Irvine McDonald, Frederick Hobley, William Wall Warner Mooney, Charles Herbert Petty, Cyril Currer, Hugh Rupert Donelly were taken and sworn at St Kilda in Victoria this 15th. day of August 1947 before me.

J. F. MEEHAN P.M.

STATEMENT OF THE ACCUSED :- (both) "Not guilty"

EXHIBITS

"A" Bullet in Hull's skin

"B" Bullet in Hull's wrist

"C" Photograph No.1

"D" Photograph No. 2.

"E" Statement by Hull

KEITH KITCHENER HULL, States :- I am a wood carter and I reside at 2 Fitzroy St. St Kilda. I know the accused as Jack Paul and the accused Martin as Charlie Martin. I have known Paul since 1944. I first met him in Sydney and I have known Charlie Martin for about 2½ years. On Sunday the 27th. July 1947, at about 3 p.m. Jack Paul and Charlie Martin came to a room occupied by my wife and I at 2 Fitzroy Street St Kilda. They knocked on our door and one of us called out "Come in" We had a dozen bottles of beer. I was in bed with my wife - the beer was brought to the room for them. Shortly after they came into the room, Charlie Martin said "We want a taxi, but we haven't got enough money, will you drive us in the truck? We can get some petrol - I want to go out to Pentridge to get a chap out on bail." I agreed. My truck was standing outside my address in Beaconsfield Pde. My wife and I had one glass of beer each and Martin and Paul consumed the rest of three bottles between them. They remained in the room for about twenty minutes while I got dressed. Martin said "What are you going to do without your husband tonight, I will be back to sleep with you" He addressed these remarks to my wife. My wife took it as a joke and I did not think anything of it at the time. About 3-20 p.m. we left the room and just as we were leaving, Martin spoke to June Grady, who works in the building - then the three of us went to my truck in Beaconsfield Pde. I got in at

the wheel of the truck, Paul got in and sat next to me, then Martin got in and sat on the outside. Martin said "Drive up here, and we will get some money off this fellow up here" He then directed me to drive up Acland Street and then turn into Robe Street, then into Neptune Lane. One of them said "Pull up here". I forget which one said this. I stopped the truck in Neptune Lane, Martin got out and walked up to the corner of Little Neptune Lane and Neptune Street where there is a post. Paul said to him "Have you got the opener?" They had taken three bottles of beer from our room and placed them on the back of the truck in the wood dust before we started off. Martin called out, "No, but I will open it for you" Martin then came back to the truck, picked up a bottle of beer and opened it with his teeth. They both had a drink, they had offered me one first, but I refused, and I said "No" I had shut the engine off. I then leaned back in the seat and placed my arms on the steering wheel. I then saw Paul, who by this time, was standing on the roadway on the left hand side of the truck at the open door, with a revolver in his hand. As I turned to face the wheel, after refusing the drink, Paul said "Cop this" and fired; the bullet struck me in the chest on the left side. I then placed my left hand up to the spot and received another bullet in the left wrist. There was no lock on the driving side door, so I threw myself out onto the roadway and called out "Help". Both Paul and Martin ran from the truck and I ran towards Robe Street. At the corner of Acland and Robe Sts., a man came along in a car - I told him I had been shot, and I got him to drive me home, but my wife was not in our room, so I got them to drive me to the Alfred Hospital where I was admitted and remained until the following day, when the bullet was removed from my left wrist. The bullet which entered my chest, just went in and out - it was found in my singlet by the Doctor at the hospital. Martin was standing close to Paul when he shot me. I know now that he went to the end of the lane to make sure no one was coming before Paul shot me. I told the Detectives at the hospital that I refused to say who shot me, but since then, there has been attempts to shoot my wife, so I decided to tell the whole truth. I gave neither Martin nor Paul any reason for shooting me, and they did not give me any reason for shooting me. Paul was a mate of Donald Day alias Donald Duck who was shot in Sydney, and I have no doubt that this is the reason why I was shot. My wife is in the family way and I consider the tactics of these people standing over a woman is despicable, and not the same as standing over a man, and this is the reason I am giving evidence so my wife will be protected. I am not worrying about myself in the matter, nor am I considering myself. KEITH K. HULL.

Statement taken by Sr. Det. Donelly at
2 Fitzroy Street, St Kilda on 8/8/47.

- - - - -

"F" Coat and shirt

"G" Bottle of beer

"H" Beer bottle.

Valma Edith Hull

Sworn saith :—

I am a married woman residing at Elenara Guest House at 2 Bizoy St. St Kilda. Lice Patterson Hull, the last witness, is my husband. I have been at "Allenara" about six months.

On 27/7/47 at about 3 PM I heard a knock on the door. I called out "Come in". Annie Martin and Barrett came into the room. I had known Barrett by hearing of him and seeing him about. Later they got a dozen bottles of beer which were brought there by another man. I had known Martin

for about twelve months.
There was a discussion about
going somewhere.
~~Conf~~ / Both women were
present when 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 needed.
There was some liquor drunk
in the room. I had
one glass of beer, and I
think my husband had one
glass. The two women
had quite a few glasses
each.
At about 3-20 pm, my
husband and the two women
went to the door to
leave the premises.
~~Martin said to me~~ " I was
talking about having a row
with my husband, and
around Martin said to me