If Kate is not going to
~~be~~ with you tonight, I
will come back and
(K) sleep with you ~~tonight~~)".
He mentioned something about ~~about~~ being
"my boy". We were
only joking
About that time, Jim Grady
came along to the door.
My husband and the two
armed left the premises.
They took three bottles of
beer with them, and
left some in the room.
The coat and shirt produced (P)
are the ones my husband
was wearing that day.
The two armed had never
been to my room
before, to my knowledge.
About 20 minutes after my
husband left, a man and
woman came to my
window. As a result
of what he told me,

I went to the Alpine Hospital, when 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.

XX 112 Ballaly.

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 never
not be a lot. I
was convicted of manslaughter
twenty 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 a
gaol sentence.
I have been convicted
of loitering a couple of
years ago. It
may have been ~~due~~
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 a the conviction for unlawful possession before I was 21. I have other convictions, but I am not sure if they are for loitering.

XX Odell

I don't think I have been convicted of any offence in the last two years. I am expecting a child in ~~September~~ December of this year.

The largest fine imposed on me is £5.

During the six months I have been at "Allenara," there has been no complaint ~~about~~ about my conduct.

During that time, I have

not been spoken to by
the Judge for misconduct.

Valma Hull

Recalled.

MR CALBALLY

I cannot remember any ~~any~~ other ~~other~~ conviction. I have been counter of soliciting ~~soliciting~~ prostitution. It would ~~would~~ probably ~~probably~~ be more than once. It was not to more than ten times. I am not sure if it would ~~would~~ be more than five ~~five~~ times.

Valma Hull

The foregoing depositions of Robert Cunstie Rollason, Nicholas Colbert Hamilton, Kate Kitchener Hull, Velma Edith Hull, Bernard Collins, John Mason Peter Barnett Smith, Jane Kneen Grady, Ellen Irene Ki Ilmer, Frederick Hobley, William Wall Warner Mooney, Charles Herbert Petty, Cyril Cummen, Hugh Rupert Kennelly were taken and sworn at St Kilda in Victoria this 18th day of August 1947

Before me

J. J. Meehan
Police Magistrate

Defendant

813

R

George Barnett

&

Charles William Martin

Both
ABKilda on 27th July 1947 Hull
wounded Keith Kitchener
wi to commit murder

Wounding wi to murder
Sec 8 (1)

CENTRAL

-------- GEORGE BARRETT and CHARLES WILLIAM MARTIN ----------

St. Kilda ----------

the 27th ---------- July ----------

forty-seven wounded KEITH KITCHENER HULL with intent to commit murder.

CENTRAL

-------- GEORGE BARRETT and CHARLES WILLIAM MARTIN ----------

St. Kilda ----------

the 27th ---------- July ----------

forty-seven wounded KEITH KITCHENER HULL with intent to commit murder.

not
if satisfied he did shoot to kill
or at least cause g.b.h. of
the death w.h follows
but that he did fire these shots
at them you wd find him
guilty . . . wounding offence —
unlawfully wounding.

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

Xd

BRIEF FOR THE PROSECUTION

Mr. W.S. Sproule KC

Cor. Martin. J. & jury 15.9.47.
Plea not guilty.
Part hd & adj.
Further heard.
Martin acquitted by direction at close
of speeches of C.P. & Barrett's counsel.
Verdict - not guilty.
Barrett trial proceeds.
Verdict not guilty.

W S Sproule

16/9/47.

FRANK G. MENZIES,
Crown Solicitor.

SUPREME COURT, MELBOURNE.

15th September 1947.

NB See brief re threats or attpts on Mrs Hull
Records of Barrett v Martin - Report on these files.

T H E K I N G

v.

GEORGE BARRETT

and

CHARLES WILLIAM MARTIN.

July 27th

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.

wounds thro' & in chest

wound would

wound

R. ROLLASON, 15/8/47

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 dorsal 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.

Bullet B

N. TALBOT HAMILTON.

KEITH KITCHENER HULL,

Sworn s aith : — 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 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 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'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" 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 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 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

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.

fell out of truck

drove to Alfred

called at room on way

XXd Galbally:- 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

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 "Look, I don't want to talk to you. When I want to see you I'll see you" I left it at that and went away and had a drink with 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.

Coat & shirt produced

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 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). 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.

"F"

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 near 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 overcoat. 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"

F: HOBLEY.

WILLIAM WALL WARNER MOONEY

3rd August

Barrett

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 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 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 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

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 produced (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 ~~got~~ for ballistic observation. On 11/8/47 I was present when Const. Walker took the photographs of Hull's truck.

"A" "B"

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"

E X H I B I T S

"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.

IN THE SUPREME COURT

STATE OF VICTORIA

IN THE MATTER of the Crimes Act 1928

-and-

IN THE MATTER of an Application for bail by CHARLES WILLIAM MARTIN.

AFFIDAVIT OF

FRANCIS PATRICK MORTIMER

FRANK G. MENZIES,
Crown Solicitor.

IN THE SUPREME COURT,)
STATE OF VICTORIA.)

IN THE MATTER of the Crimes Act 1928

-and-

IN THE MATTER of an Application for bail by CHARLES WILLIAM MARTIN.

I FRANCIS PATRICK MORTIMER, Clerk in the Crown Solicitor's Office, make oath and say :-

1. That at the Court of Petty Sessions at St. Kilda on the 15th day of August 1947 before J.F. Meehan Esquire, Police Magistrate, one GEORGE BARRETT and one CHARLES WILLIAM MARTIN were committed for trial to the 15th September sittings of the Criminal Court in its Criminal Jurisdiction on a charge for that they at St. Kilda on the 27th day of July 1947 wounded KEITH KITCHENER HULL with intent to commit murder.

2. Attached herewith and marked with the letter "A" is a copy of the depositions of the witnesses who gave evidence at the Court of Petty Sessions at St. Kilda on the 15th day of August 1947.

3. I have been informed by Senior Detective Petty and verily believe

(a) that the said KEITH KITCHENER HULL was charged at Sydney in 1945 with the murder of one DONALD DAY and was found not guilty.

(b) that the said DONALD DAY was a friend of GEORGE BARRETT.

(c) that the said CHARLES WILLIAM MARTIN prior to the 27th July last was residing at 55 Fawkner-street, St. Kilda with a prostitute named DULCIE MARKHAM who has a long criminal record and has on a number of occasions been concerned in underworld shootings.

(d) Following on the shooting on 27th July last the said CHARLES WILLIAM MARTIN left his address at 55 Fawkner Street, St. Kilda and went to Mt. Evelyn.

(e) On 31st July 1947 DULCIE MARKHAM and one ERNEST MARTIN a brother of the said CHARLES WILLIAM MARTIN went to the home of HULL seeking the whereabouts of MRS. HULL and mentioned they

Frank P Mortimer

intended killing her.

(f) On the 20th August 1947 DULCIE MARKHAM, GRAHAM MILES THOMPSON and a man named BRADSHAW intercepted HULL outside his residence and attacked him inflicting serious injuries and it is alleged that he was struck in the face with a butt of a gun.

(g) Should CHARLES WILLIAM MARTIN be released on bail it is feared that further shootings may occur and lives of the community may be endangered.

4. The trial of the said GEORGE BARRETT and CHARLES WILLIAM MARTIN will be listed for hearing at the Supreme Court sitting on ~~the~~ Monday 15th September 1947.

SWORN at Melbourne this 25th)
day of August 1947)

Frank P Mortimer

Before me,

A Commissioner of the Supreme Court of Victoria for taking Affidavits.

Hull stated that at Sydney in 1945 he shot a man named Donald Day. ~~and stood his trial.~~ He was charged with the murder of Donald Day and was found not guilty.

The said Donald Day was a friend of ~~Barrett~~ the said George Barrett.

I have been informed by Senior Detective Petty and verily believe that the said Charles William