

SWEARS HE SAW SID MURRELL FIRE FATAL SHOT

STUART CAMPBELL TELLS OF SEEING HIS BROTHER KILLED BY MURRELL, DEMONSTRATES EVIDENCE TO JURY

Counsel States No Witnesses Will Be Called On Williams' Behalf.

IS FEELING STRAIN
Composure of Bandit Ends When Stuart Campbell Makes Direct Accusation.

Sidney Murrell will take the stand at the fall assizes today in the battle for his life.

What he will say in the face of the damning evidence of Stuart Campbell, brother of the victim of the Melbourne bank robbery, who states positively he saw the desperado slay his brother, only Murrell and his counsel, J. M. Donahue, know.

The case of Sid Murrell is closed, Mr. Donahue declared to the judge last night when court adjourned. No witnesses will be called on Williams' behalf. His fate depends on what crown witnesses have said.

When the crown concluded its case and the court called for the defence, Mr. Donahue arose and said: "I would move the court quash the indictment against the prisoner, 'Williams'."

"I don't think it is necessary to call Mr. Rigney," the court replied. "There is ample evidence."

"I am calling no witnesses on behalf of Williams," Mr. Donahue replied, his first plea having been rejected. "I believe I am entitled to address the jury last."

"But this is a joint trial," the trial judge reminded him. "Do you intend to call witnesses?"

"I would prefer to reserve the answer to that question until the morning," Mr. Donahue said.

"I think it would be better to discuss this in the absence of the jury," the court advised.

"Yes, it would be better," Mr. Donahue agreed.

Hon. Mr. Justice Wright then turned to the jury.

Cautions Jury.
"Gentlemen of the jury," he said, "there is no possibility of closing the trial tonight. It is time for adjournment. I would caution you not to discuss the case. It is more important now than before that you refrain from doing so because you have heard some evidence."

The jury was given to the care of constables, who will guard the two men until court resumes at 9:30 o'clock this morning.

Mr. Donahue continued his argument. "If the prisoners were defended by separate counsel, counsel for Williams would be entitled to address the jury separately. I am entitled to do so."

"The defence must all be represented," the judge said.

Finally Mr. Donahue admitted he was going to call the defence in the Murrell case.

"The case cannot go to the jury until it is closed," Mr. Justice Wright declared. "What do you say, Mr. Rigney?"

"I think it is absolutely precluded by section 94 of the Criminal Code," crown prosecutor, declared.

"Yes, I think it is absolutely clear," the court concluded. "If there were two counsel, one would follow the other in order of precedence and then the crown. I don't think it is in the interests of justice to separate the trials in any way."

Beginning to Break.
Sid Murrell is beginning to break under the strain. When Stuart Campbell, brother of the victim of the Melbourne bank robbery, who states positively he saw the desperado slay his brother, only Murrell and his counsel, J. M. Donahue, know.

When the evidence concerned Murrell only he sat back in his seat, apparently relaxed and at ease. He was not moved. He chewed the gum all afternoon. He chewed and chewed as if his very life depended on it. Whenever his name was mentioned he chewed faster.

The case against Murrell has been definitely established by the crown. Today will tell what Murrell will say to offset the testimony of eye-witnesses.

John Lee was the first witness at the afternoon session, which opened at 1:45. Mr. Lee stated he was at work in his garage when someone called that the Home Bank was being robbed. He saw some people on the road.

"What happened?"
"I saw what was needed, and got a rope. I went up and tied Sid Murrell's arms behind his back."

"Where was the car?"
"East of where Murrell was standing."

"Anybody in the car before you got into it?"
"No. The motor was shut off."

"What kind of rope did you use to tie Murrell?"
"A horse-tying rope."

"What did you do with him?"
"I don't know."

"What did you do then?"
"My attention was taken up by the car."

"Did you examine the equipment of the car?"
"No."

Star Witnesses At Yesterday's Session



Here are the Campbell brothers and E. S. Theaker, former manager of the Union Bank at Melbourne, who all gave evidence of vital importance at the trial of Murrell and Williams yesterday afternoon. Theaker (at the left) told of seeing Murrell with his gun a few inches from Campbell's

side as the two struggled in the alley a few seconds before the shooting. In the center is Robert Campbell, and at the right is Stuart Campbell, brother of the slain man, Russell Campbell. Stuart Campbell in the witness-box stated that he saw Sidney Murrell

stolen from a garage at Byron. Byron is about 15 miles east of Melbourne. The car was reported as stolen by whom?

A—Mr. Uptgrove of Lambeth.
Q—What did you do?
A—Just as I was starting out on a hunt for the car I heard of the Melbourne robbery. I took Mr. Uptgrove and Mr. Wadsworth of Byron with me, feeling sure their car would be there, and it was there. Mr. Uptgrove identified his car.

Q—What have you got in your hand?
A—A flashlight I found under the seat of the car.

Witness was then questioned by Mr. Donahue.
Q—You saw the prisoners tied to the posts?
A—Yes.

Q—Did they have hats on?
A—William Murrell did.

Q—Were the others bareheaded?
A—I don't remember.

Q—Were you offered any further evidence in the robbery?
A—No.

Q—Were you provincial officer of this district?
A—Yes.

Q—When you were in Melbourne it would be the scope of your employment to make an investigation?
A—That was my duty.

Q—You made an inquiry as to clothing of deceased?
A—No.

Recalled To Stand.
Dr. L. W. Freese of Glenore, recalled to the stand, was handed the revolver, which had been identified as the one Sid Murrell carried on the day of the robbery.

Mr. Rigney—You conducted the post-mortem?
A—Yes.

Mr. Rigney then read from the post-mortem report, particularly describing the wound that caused Campbell's death.

Q—What would have been caused from this exhibit? (The exhibit was the .45-calibre revolver).
A—Yes.

Q—Where is the bullet now that you removed?
A—I gave it to Dr. Woods.

Q—Did it produce a preliminary hearing?
A—Yes, but I don't believe I saw it.

Q—Was the bullet protruding or was it not?
A—The bullet, I believe, was beneath the skin.

Q—When you showed the bullet to Sidney Murrell, did you tell him where it had come from?
A—No.

Dr. Dewar was recalled to the box. He was the first medical man to examine the body of Russell Campbell, after Campbell was shot. Witness was handed the revolver alleged to have been owned by Murrell, and asked by Mr. Rigney, if the wound as described in his report could have been inflicted by a revolver of that size.

A—A revolver of that size could inflict a wound of that kind.

Questioned by Mr. Donahue, witness said he was not familiar with firearms.

Q—You know what has become of the bullet said to have been extracted?
A—No.

Interrupts Case.
Sheriff Graham interrupted the case by asking Constable Campbell to remove a fair-haired man at the rear of the court room. The constable escorted the man from the court room. The man had been talking.

Q—Did the bullet protrude beyond the edge of the skin?
A—No.

Everton S. Theaker, manager of the Union Bank in Melbourne in April, 1921, was next called.

Mr. Rigney—Are you manager of the bank there now?
A—I am not.

Q—On the way to the street.
Q—Where was he in reference to the figure in the alleyway?
A—Between it and the street.

Q—Anyone else in the alley?
A—There might have been one or two outside myself and Sid Murrell. Q—What your impression or are you certain?
A—I wouldn't say for certain.

Q—Where was the gun?
A—In his right hand. I could see the shine of it.

Q—Did you notice his other hand?
A—Not particularly.

Q—Did you hear any shots?
A—Yes.

Q—How many?
A—I don't know.

Q—When?
A—When I saw the flash.

Heard Some Shots.
A—I heard some when I went through the bank. I saw the flash.

Q—What about them? How many did you hear?
A—I knew afterwards there were two.

Q—Were those the first shots you heard?
A—Yes.

Q—Where were they fired?
A—in the bank back in the employees' department.

Q—Behind the counter?
A—Yes, replied Campbell.

Q—You were in the front public space when the shots were fired?
A—Yes.

Q—Did you hear other shots?
A—Yes. I was working through the manager's office at the time.

Q—Where was your brother Stuart?
A—He was ahead of me, as far as I know.

Q—Where were you when the other shots were fired?
A—I was making my way through the manager's office.

Q—Where was your brother Stuart at that time?
A—I don't know.

Q—Where did they seem to be fired?
A—From the alleyway.

Q—Did you see any shots fired after you reached the door leading to the alley?
A—No.

Q—Did you see when you reached the door?
A—Sid Murrell with his gun running towards the street.

Q—Did you see anyone else that you recognized?
A—I afterwards identified Williams and William Murrell as having seen them standing in the public space in the front of the bank.

Pursued Murrell.
Q—You pursued Sidney Murrell until he was caught?
A—Yes.

Q—He was not out of your sight?
A—No.

Q—After you got out of the alley where did you see your brother Stuart?
A—He was ahead of me, trying to catch Murrell. He tried to catch him in the street.

Q—Where did the chase lead you?
A—Down the street 120 feet.

Q—Did you notice the car?
A—It was in the same place. I don't know whether it was shut off.

Q—In what position did Murrell carry his revolver?
A—He still had it.

Q—Did he have it when captured?
A—I can't say.

Q—Did you see the revolver afterwards?
A—Yes, when the detectives had it. I went back to look after my brother.

Q—When did you discover your brother was shot?
A—I saw him lying in the alley and he was wounded. He was lying on the ground motionless, and I ran for a doctor.

Q—How was he lying?
A—With his feet toward the street.

Q—You ran for the doctor and later came back. Where did you go then?
A—I went to Parr's store and had them phone to Dr. Freese. I paid no more attention to the Murrells.

Q—Did you have any conversation with anyone?
A—No.

Q—Did you hear anyone talking to them?
A—No.

Cross-Examined.
Mr. Donahue, cross-examining Robert Campbell, asked if Stuart Campbell preceded the witness into the bank.

A—Yes.

Q—Was the door leading to the manager's office open?
A—I don't remember. It must have been, for it is generally locked.

Q—Did you see any strangers in the bank when you went on guard?
A—I saw two men on guard.

Q—Do you remember producing a bullet at the preliminary hearing?
A—Yes.

Q—Where did you get it?
A—Out of the wall of Parr's store. It was a .45-calibre.

Q—You found a second one?
A—Yes. It was a .45 too.

Mr. Rigney produced two lead slugs, a small one and a large one, which had been entered as exhibits.

Q—What do you say about the large bullet?
A—It is a .45.

Stuart Campbell, another brother of the late Russell Campbell, was the next witness.

Q—When did you learn about the robbery?
A—I heard there was a robbery and saw Miss Campbell running down the street. I ran out of the store and down to Laing's store, where there was a rifle. There was no ammunition in it.

Q—What did you do?
A—I went to the hardware store for ammunition and they didn't have any. I went back and stood by the telephone pole near Parr's store. I could see two men in the bank. When they saw me they turned and ran.

I might say they were Jack Williams and William Murrell.

Q—Have you seen them since?
A—No.

Seen At Inquest.
Q—Yes, I saw them at the inquest and I see one of them here today, the slighter one of the two (Williams).

Q—You will swear that they were Williams and William Murrell?
A—Yes.

Q—Just continue.
Q—When they saw me with the rifle they ran to the manager's office through the public space. Witness then explained his progress through the bank by means of the plan produced in court.

"My attention was directed to a man coming out of the cashier's cage with something under his left arm and a gun in his other hand," said witness. "When he saw me he stopped by the stove."

I pointed my weapon at him and ordered him to throw up his hands. He fired at me and the bullet went through the manager's glass door and embedded itself in the wall.

Q—Was the bullet fired?
A—I think it was dug out afterwards.

Q—Just continue.
A—I stepped into the manager's office and heard another report of a gun. I also saw the safe and men in front of it.

The Judge—Who were they?
A—Mr. McCandless, the bank manager. The other man I did not know. He was stooping over McCandless and hitting him with the butt of a revolver. I went through the manager's office and saw the space and saw Mr. McCandless struggling to his knees. I also saw two men going out of the side door.

Q—What was the man doing?
A—He was running.

Q—Who was he?
A—My brother. They were wrapping. Then I saw the flash of a gun and my brother dropped. I grabbed for Murrell and he shot me off. My brother grabbed for him too. We chased him down the alley to the street and then about 120 feet down the street. Sid Murrell turned on me and pulled the gun on me.

Q—What did you say?
A—He shot at me. He was still running when he did it.

Q—What happened?
A—He pulled the trigger. I heard it, but there was no report. Somebody tripped him and he fell down and was shot.

I saw Mr. McCandless pick up the gun that Sid had in his hands.

Q—What kind of a gun was it?
A—I was a .45.

Q—I saw an exhibit 6 (Murrell's alleged gun). What do you say to it?
A—that's the gun.

Q—Will you describe the scuffle between Murrell and your brother?
A—Russell was facing the north and Murrell was facing the south. With the gun pointed to Russell's left side. It was then I saw the flash and heard the report, and my brother fell.

Q—Was Williams to witness your sight when this happened?
A—He was. When my brother stopped Sid Murrell, Williams passed them and went out towards the street.

Q—Where was Williams when the shot was fired?
A—He had reached the sidewalk in my opinion.

Q—Any person else in the alleyway?
A—No one else. I was just coming through the doorway. I stepped down about the time the shot was fired.

Q—Who shot at you in the office?
A—Mr. Campbell—Sidney Murrell.

Four Times.
Cross-examined by Mr. Donahue, Stuart Campbell told Mr. Donahue he had given his evidence on four different occasions.

Q—Does Mr. Staple carry firearms and supplies?
A—To a slight extent.

Q—How long did you remain by the telephone post?
A—Maybe a minute or two.

Q—Where was Russell at the time?
A—Standing by Parr's store behind me.

Q—Could he see from that position what was going on in the bank?
A—He could not.

Q—You did not see your brother Robert the whole time you were in the bank?
A—I did not.

Q—Did you actually see Williams and Murrell retire into the manager's office?
A—Yes.

Q—Did they both have firearms?
A—They did.

Q—Were they both pointed at you?
A—They were pointed at the main entrance.

Q—Did you see anyone within the enclosure?
A—I saw Sid Murrell coming out of the cashier's cage.

Q—Did he have anything with him?
A—He had a bag in his left hand and a revolver in the other.

Q—Where were you when Sidney Murrell came out of the teller's cage?
A—in the passage way.

Q—Did he appear to see you?
A—He did.

Q—What did you do?
A—I pointed my rifle at him.

Q—Did you say anything to him?
A—Yes. I ordered him to put his hands up.

Q—Did he?
A—No. He fired.

Q—Were you frightened?
A—Not that I am aware of.

The Judge—You've been under fire before in the army?
A—Yes, your honor. Campbell replied, turning to the bench.

Mr. Donahue—You ducked, didn't you?
Campbell—Yes. It was only natural.

Mr. Donahue—Oh, it's all right, I assure you. I wouldn't like to face a bullet.

Q—Why didn't you go into the manager's office?
A—My attention was occupied by Sid Murrell.

Q—How close was Sid's revolver to your deceased brother's body?
A—About three or four inches.

Q—You're quite sure the man who had his back to the street was your brother?
A—Yes. I've known him a good many years.

Q—You're able to say positively the man facing the street had his arm around your brother?
A—I didn't say around him. His arm was over his shoulder.

Handed Gun.
Mr. Donahue handed Stuart Campbell Sid's gun and asked him to show how the gun was pointed at his brother. Witness could not reach around far enough to demonstrate, as he had to point the gun under his left armpit.

"Is it possible to arrange it, M'Lord?" asked Mr. Donahue.

"Oh, yes. Get one of the constables," replied the court.

A constable and Campbell placed him in the position he saw his brother during the scuffle with Sid Murrell.

At the inquest, Mr. Donahue pointed out, witness had said the revolver was pointed "half down." Today, witness said, "straight across."

He was asked which was right. Campbell declared his evidence at the inquest, when his memory was fresh, might have been more correct, but didn't see any material difference.

"Might have been more correct," remarked the judge.

"Might I ask M'Lord to reserve those observations?" asked Mr. Donahue.

The trial judge's face reddened.

"I hope I have not offended M'Lord," hastened Mr. Donahue. "But I feel when it is a question of blood, I think it fit for me even to direct the bench. I think I am right."

"That is not proper, sir," the court retorted.

"It may not be proper, but it is a fact."

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propriety." Mr. Donahue returned.

Mr. Rigney—My learned friend Mr. Donahue has asked me to call a witness named not named on the indictment. I am calling him at the request of the defence.

The witness named proved to be Charles Long. He was questioned by Mr. Donahue.

Q—Were you called to identify the clothes of Russell Campbell at the preliminary hearing?
A—Yes.

Mr. Donahue then read evidence given at the inquest, regarding the state of the clothing.

Q—What did you see on the clothing?
A—Blood and holes where the bullet went through.

Q—Did it make a round hole?
A—It was ragged.

Q—When I asked you if there were any marks of burning on the clothing you said you couldn't say?
A—That's correct.

Q—Did you see Mr. Rigney—Have you the clothing?
A—"No, I haven't," was the reply.

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