

DOCTOR TESTIFIES MURRELL STATED BULLET HIS

SHOWED SIDNEY MURRELL BULLET REMOVED FROM BODY OF CAMPBELL

Drs. Freele and Dewar Called To Testify as Crown Witnesses.

REPRIMANDS DONAHUE

Judge Declares Remark Discourteous—Architect Explains Plan of Building.

Once more Sidney Murrell sits in the prisoners' box on trial for his life. But this time he sits alone, indicted for the murder of Russell Campbell at Melbourne in April of 1921.

His companion in the bank robbery "Slim" Williams, who was granted yesterday afternoon a separate trial by Mr. Justice Lennox. This means that once the fate of Murrell has been decided by the jury, the trial of Williams on a similar charge will begin.

At 6:20 last night, after three crown witnesses in the case of Rex vs. Sidney Murrell had been heard, Mr. Justice Lennox adjourned court until 9 o'clock this morning, ordering the jury locked up in the grand jury room for the night.

After granting the request of J. M. Donahue, counsel for Murrell, that separate trials be given, and after J. T. Rigney, K.C., prosecuting attorney, had addressed the jury, the crown opened its case, calling H. C. McBride to the stand. He was called on to identify and explain certain plans made by him of Melbourne and the Home Bank, where the murder took place.

Dr. R. Dewar, Melbourne physician, was the next witness, and he testified to finding the body of the dead man, and as to the post-mortem examination. He was followed by Dr. L. M. Freele, Glencoe, who took part in the post-mortem examination, and who also assisted in the removal of the bullet from Campbell. Dr. Freele was cross-examined at some length by the defence, and he was asked questions concerning the bullet found and his conversation with Sidney Murrell, while the latter was tied to a post in Melbourne. He declared that Murrell told him the bullet found in Campbell came from his gun.

The case of Clarence Topping, also charged with murder, who shot his sweetheart last November, and which was expected to go to the jury, will probably be laid over until March, owing to the illness of Miss Viola McNaughton, star witness for the crown. Mr. Justice Lennox, in charging the jury, stated that it was possible they might have to deal with this case but not likely.

Many Interruptions. During the examination of witness by counsel, several interruptions and objections were made, these causing his lordship to remark that he might as well settle down for a year, as he well understood what had made the preceding trial so lengthy.

The question of what was done with the fatal bullet, and just who had it in his possession, consumed most of the examination of Dr. Freele, but no evidence was forthcoming to show where the bullet might be now.

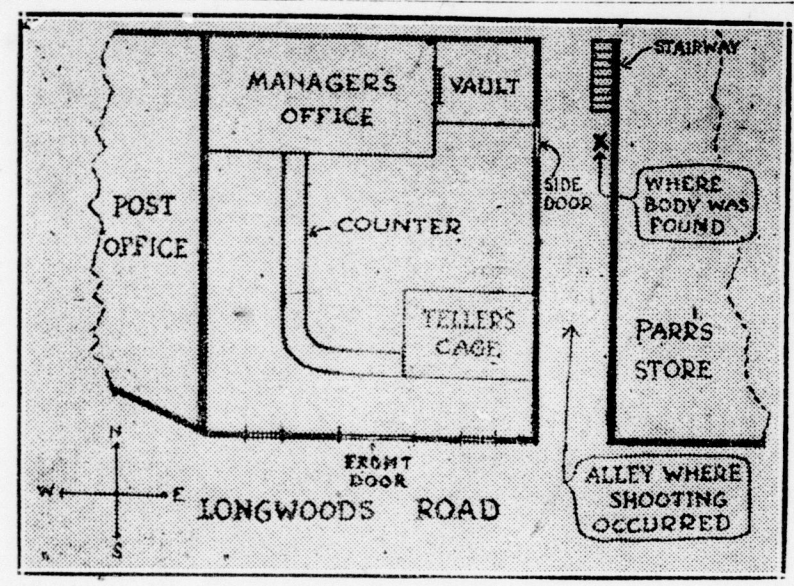
At one time Justice Lennox declared that remarks made by Mr. Donahue were impertinent and discourteous, casting a reflection on the method of his questioning. This occurred when his lordship was asking Dr. Dewar a question about the wound in Campbell's hip, and to which Mr. Donahue objected as leading.

Williams, as the handcuffs were taken off his wrists and he was led downstairs, broke into a smile, the relief at being granted a separate trial being evident.

At 3:50, Mr. Justice Lennox excused all jurymen except those on the Murrell panel, until 10 o'clock, yesterday morning.

Ten of the twelve jurors selected are farmers, the majority being between the ages of 30 and 40.

The jurymen asked to be excused



THE BANK AT MELBOURNE.

Above is shown a plan of the office of the Home Bank at Melbourne, where the four bandits attempted the robbery which resulted in the death of Russell Campbell. The front door was entered by the bandits and the girl teller escaped through the side door to give the warning of the attack.

while Mr. McBride rubbed out figures on the plan made during the last trial. On resumption of court at 4:10, Mr. Donahue objected to copies of early afternoon newspapers being brought into the courtroom. He picked up a copy of The Advertiser and held it in such a way that the judge could read the head lines.

"Separate trials for Murrell and Williams," read his lordship. "Well, for a plan of the bank, four weeks ago, Mr. Donahue thought newspapers being brought into court might have some effect on the jurors, and after further conversation Mr. Justice Lennox ruled: 'We don't need any newspapers in this case.'"

Architect Explains Plan.

While Mr. McBride was explaining the plan to the jurors, his lordship, smilingly, asked for the copy of The Advertiser that had proved so objectionable to Mr. Donahue. The copy was handed to the judge by Edmund Weid, clerk of the court, and his lordship was soon immersed in the afternoon's news as detailed in The Advertiser.

When the Murrell trial was continued, Mr. Donahue, the defence lawyer, requested that Murrell's trial be postponed till the spring assizes, stating Murrell was operated on for cancer of the throat, and although the wound had healed he was in a weakened condition.

"I have made careful inquiries within the last five minutes of the jail physician, and he assures me there is nothing to interfere, nor is there a day danger," said Mr. Rigney. "I can't accede to a postponement on legal grounds, and see no reason for a humanitarian standpoint."

"The air in the courtroom is as good as that in the jail," pointed out his lordship. "The anxiety of watching this trial will be no greater than that endured waiting for trial. I think the case should be moved and adjourned. A large number of jurors have been summoned at enormous expense, and there has already been knowledge of what case is being tried."

After granting separate trials to Murrell and Williams, the latter was taken back to his jail cell. Williams was quite pleased and could not hide a broad smile of relief as he was led away.

Asks Elliott's Status.

Mr. Donahue interrupted the challenging of the jury by inquiry as to what capacity J. C. Elliott, K.C., was serving in the court, as he noticed him assisting in selecting the jury.

Justice Lennox stated he had no knowledge of what capacity Mr. Elliott was acting in.

Mr. Donahue then informed him that Mr. Elliott had been acting crown attorney at the last trial, but had no official connection with the present trial.

Mr. Donahue then asked that his objection be noted.

Mr. Rigney declared the objection needed no comment so far as he was concerned.

Counsel for defence also objected to Mitchell Innis not being sworn as a juror. He stated Mr. Innis had his hand on the Bible, ready to be sworn when Mr. Rigney asked him to stand aside. Mr. Donahue maintained Mr. Innis should be on the jury and asked leave to quote the law.

His lordship smilingly nodded assent, stating that he might just as well be here a year.

After 20 minutes Mr. Donahue returned and apologized for the delay, stating he had found a reference declaring that a challenge must be made before a juror had taken hold of the book. He maintained that a juror was being sworn as soon as the book was touched.

His lordship stated that the man had not taken hold of the book.

Mr. Donahue submitted he was entitled to the jurymen. Mr. Rigney denied this, stating that the book had not been taken to the stand.

The clerk said that the man had held of the book but it had not passed out of his possession.

Justice Lennox ruled that he was properly rejected.

It took almost an hour to select the twelve jurors. Fifty-two names were called before the "twelve good men and true" were finally chosen. David Walker, one of the jurors, stated his daughter was dangerously ill and asked if he could be kept posted as to her condition, his lordship replying in the affirmative.

Ten of the jurors are farmers, one is a painter, and the other a carpenter.

List of Jurors.

Following are the names of the jurors who hold Murrell's fate in their hands: John Alden, London Township, farmer; John McLaughlin, Metcalf, farmer; Richard Lee, West Nissouri, farmer; Frank Barr, North Dorchester, farmer; Ernest Beattie, North Dorchester, farmer; David Walker, Westminster Town-

ship, painter; M. J. Stanley, London Township, farmer; Walter P. McCallum, East Williams, farmer; Stanley Thompson, Caradoc, farmer; Robert Hill, Delaware, carpenter; Peter Love, Delaware, farmer; Fred Bolton, London Township, farmer.

Addressing the jury, Mr. Rigney drew attention to the fact that the occurrence of the crime happened almost three years ago. He mentioned the lack of clarity of minor details that might be brought up in the evidence.

"While the evidence will leave an impression, you will realize that the witnesses will not be able to recall the whole event as though it were yesterday."

Justice Lennox, interrupting, and in reply to a request of Mr. Donahue, ordered that witnesses be excluded, and that those who have given testimony be kept apart from those who have not.

His lordship charged the witnesses that there should be no discussion between themselves on the case.

Continuing to address the jury, Mr. Rigney stated that laymen were apt to attach too much importance to insignificant details, but that this case would narrow down to one issue, whether the evidence adduced is such as to remove any doubt of the innocence or guilt of Sidney Murrell in this murder.

He then related the history of the killing of Russell Campbell at Melbourne, and the evidence that would be given, including evidence of witnesses who claim to have seen the shot fired.

"We are dealing with the innocence or guilt of one man, and I feel that you will not begrudge the time spent. We are here to discharge our duty, to retain the life of this community. We are all together for this purpose, and you must each and listen to the evidence, rendering a fair verdict."

The attention and care you devote to this case will benefit you. It is a splendid thing to serve on a jury. You are aiding yourself, country and nation. Banish all preconceived opinions. It is impossible in this case to know anything about anything about it. Efface all opinions, listen to the evidence free from prejudice, so that justice may be done to yourself, your country, and to the accused."

McBride Is Called.

H. C. McBride, London architect, was the first witness called by the crown. He stated that he had prepared two plans, one of a portion of Melbourne and the other of the Home Bank.

Holding up the big drawing, Mr. McBride pointed out the various buildings in Melbourne, showing their location in connection with the Home Bank. He stated that the laneway between the bank and Parr's store was 9 feet 2 inches, the distance from the building front to side door was 25 feet.

He also described the interior of the bank. Immediately opposite the entrance, on the east side, was the teller's cage, a counter extended to the manager's office. The public space was three feet wide. He also described the interior of the manager's office and the location of various objects in the building.

In reply to a question of Mr. Donahue, the witness stated that he thought there was a passageway at the rear of the bank that ran to the town line.

Dr. R. Dewar was the next witness called by Mr. Rigney. Q.—You are a medical doctor practicing at Melbourne? A.—Yes.

Q.—Do you recall incidents? A.—Yes.

Q.—Were you called to attend the case? A.—Yes.

Q.—Where did you go? A.—To where the body was in the alleyway about 11 a.m.

Dr. Dewar indicated on the plan of the bank where the body was. Q.—How was the body lying? A.—The body was lying on its back about ten feet from the side-walk, closer to the bank than the street.

Q.—Was life extinct? A.—Life was extinct, and the face covered with blood. Blood was also on the ground.

Q.—What position was it in? A.—On the back, feet to the street.

Q.—What did you do? A.—Looked for injury and signs of life. I found a bullet wound on the left side under the arm-pit, with blood oozing out. There was also a slight opening on the other side.

Q.—Were you alone? A.—Other people were around, but

I don't recollect who they were. Q.—Do you wish to imply that the body had been placed in that position? A.—Yes, I think somebody turned it over.

Q.—Do you know anything about the removal of the body? A.—Dr. Woods, coroner, ordered the body taken to the undertaker's. This was done and I assisted.

Q.—How was it taken? A.—We made a stretcher and took it over. This was about 10 minutes after I arrived.

Prepare For Jury. Q.—Tell us what occurred. A.—We went to the undertaker's parlors and Dr. Woods ordered the body placed so it could be seen by the jury.

Q.—Was it clothed? A.—Yes. Overalls and sweater. Just ordinary working attire.

Q.—Were you present when the clothes were removed? A.—Yes. They were removed before the coroner's jury viewed the remains. Dr. Woods and Mr. Spennenburg also were present when the clothes were removed.

Q.—Who took them off? A.—I think, Dr. Freele. Q.—What did you find? A.—A bullet under the right arm-pit, pointing up. The skin was broken about 1-3 of an inch. I took the bullet out and gave it to Dr. Woods, saying it would be best to save it.

Removes Bullet. A.—A bullet under the right arm-pit, pointing up. The skin was broken about 1-3 of an inch. I took the bullet out and gave it to Dr. Woods, saying it would be best to save it.

Q.—Any other examination? A.—Yes, a bullet wound on the left hip, starting downward, grazing the skin. It was a surface wound. There was quite a bit of blood on the clothing opposite the wounds.

Q.—No doubt a bullet caused the surface wound? A.—No doubt. Q.—Did you discover anything else? A.—Yes.

Finds Old Scar. A.—There was an old scar on one of his legs. Q.—Any further examination afterward? A.—Yes.

Q.—Did you make a written report? A.—Yes. Q.—What was it? A.—Part of the post-mortem examination. It was made to the coroner.

Mr. Rigney asked that the report be put in as an exhibit and this was done. Q.—Lordship—Death was caused by gunshot? A.—Yes.

Rigney—What was the cause of death? A.—Death was due to hemorrhage caused by the bullet wound.

Bullet Protrudes. Donahue—Did I understand you to say the bullet protruded? A.—It was to be seen, just the point.

Q.—Could it be seen? A.—Yes. Q.—In your report you state a hard substance could be felt. A.—I meant the bullet.

Q.—You removed the bullet so it would not be lost? A.—Yes. Q.—What do you mean by the body had been placed on its back? A.—It looked as though it had been turned over.

Q.—What made you think this? A.—The blood on the face. Q.—On a previous occasion you stated the body was apparently lying where death occurred. You did not say it had been turned over? A.—Yes.

Q.—You speak of a wound on the left hip. At the inquest you stated there were traces of two bullets. Is the statement made then correct? A.—As far as I recollect, it was out of his gun. (Mr. Murrell) looked at it and said "Yes."

Shows Bullet. Q.—You showed him the bullet from the body of the dead man? A.—Yes.

Q.—What kind of a bullet was it? Mr. Donahue objected to the question on the grounds that witness was not a gun expert. A.—He can tell whether it is short or long.

Q.—What was it? A.—A .45. Q.—His lordship—How do you know? A.—From reading and hearing so. Q.—What else did you say to him? A.—Nothing further.

Gives Bullet Away. Q.—What next did you do with the bullet? A.—Some time later I gave it to Dr. Woods.

Q.—Did you have bullet after that day? A.—No. Q.—Did you make a report of your post-mortem examination? A.—Yes.

Donahue Objects. His lordship—What was the cause of death? A.—A pulmonary hemorrhage caused by severing of the pulmonary arteries by the bullet found in the body.

Q.—You know something about revolvers? A.—I had two given me that day. Q.—What kind? A.—One large, a .45, and the other a .38.

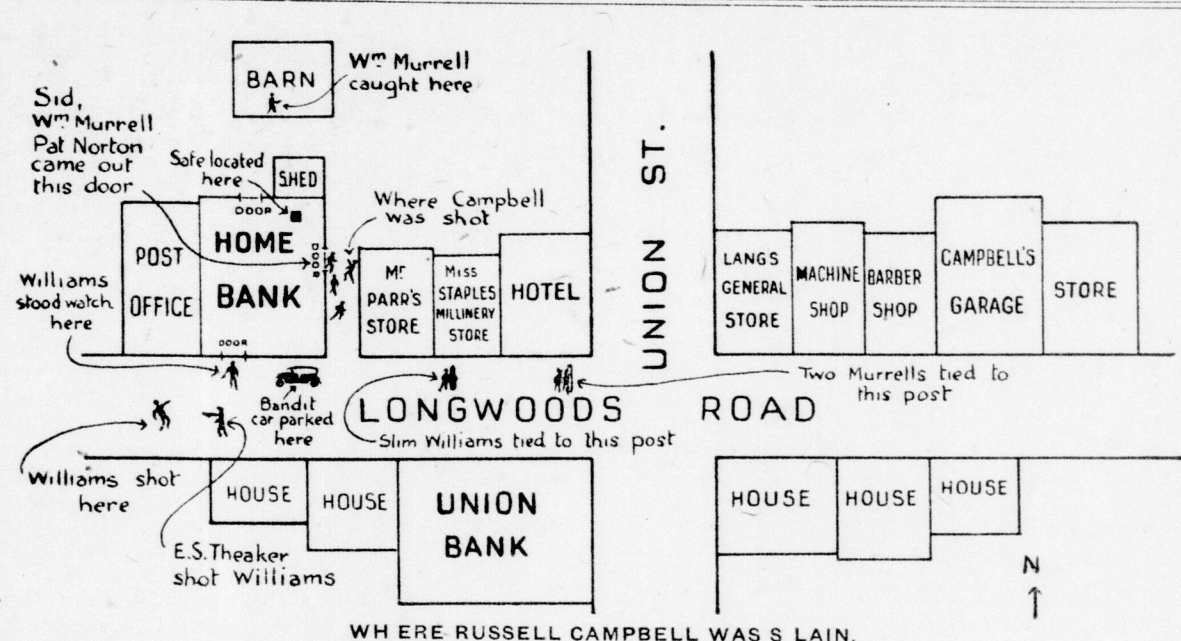
Q.—How do you know? A.—I understood this. Q.—Where were they given you? A.—At the corner. Q.—Before or after speaking to prisoner? A.—Before.

Q.—Were they in your possession when speaking to him? A.—I gave them to Detective Down. One of the revolvers was bloodstained.

Difference in Size. Q.—What difference was there in the size of the revolvers? A.—One was much larger. Q.—How long? A.—I couldn't say. Q.—Was it 18 inches long? A.—One about a foot and the other 8 inches.

Q.—Were they loaded? A.—I don't know. Q.—How soon did Detective Down get there after removal of the bullet? A.—He arrived before the bullet was removed. Q.—Did you give him the revolvers immediately on his arrival? A.—Yes.

Mr. Donahue—Will you tell the court why you went to the corner where Murrell was tied? A.—It was generally conceded that he fired the gun. Q.—Who told you? A.—I don't know. Q.—Where any other of the robbers arrested?



WHERE RUSSELL CAMPBELL WAS SHOT.

Details of the daring attempt to rob the Home Bank at Melbourne in April, 1921, which resulted in the fatal shooting of Russell Campbell can be seen from the above diagram. The bank door was opened by the bandits and the girl teller escaped through the side door leading into an alley. It was here that Campbell was shot. Sid was caught by villagers, and he and his brother were tied to a post, after the latter had

been run to earth in the barn at the top of the diagram, which also shows E. S. Theaker shooting Williams, the fourth bandit. Pat Norton managed to escape during the ensuing excitement, and up to the present has managed to evade the law.

Williams guard in the open. After the robbery was thwarted, Sid, Bill and Pat attempted a getaway through the side door leading into an alley. It was here that Campbell was shot. Sid was caught by villagers, and he and his brother were tied to a post, after the latter had

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