

MANJIMUP BANK SENSATION

Inquest on death of Martin Keen

Verdict of justifiable homicide

On Thursday last, 19th inst., the Coroner, Mr. L. L. Crockett, held an inquiry into the circumstances surrounding the death of Martin Keen, who was shot on the occasion of the attempt to rob the Manjimup branch of the bank of New South Wales on the 24th. April last.

Detective-Sergeant Cowie conducted the evidence, and Police Inspector O' Halloran watched the proceedings on behalf of the Commissioner of Police. A considerable number of the public attended at the hearing.

The first witness was Dr. M. F. Williams, of Jardee, who stated that between 3 and 4 a.m. on 24th April last he was called by telephone to come to the Bank of New South Wales in Manjimup. On arrival there he saw lying on a lorry a man whose name he afterwards learned was Martin Keen. The man had a wound in his forehead from which blood and brain matter were protruding. A dirty handkerchief, similar to the one produced, hung loosely round the man's neck. At witness's direction the man was removed to Warren Hospital by Constable Cooper. Witness operated at once. The man was unconscious up until the time he died at 5.45 a.m.

On the 25th April witness held a post mortem examination, and his report thereon was produced in court.

Describing the injuries, witness said he found the bullet embedded in a fracture of the left occipital bone. Death was due to laceration of the brain substance by the bullet.

Detective Albert Victor Penrose, official photographer and finger-print expert, produced photos taken by him of the body of the deceased, and photos of finger prints of the deceased. He also produced a set of finger prints taken from the official police record.

An enlarged photo of the prints of the left little finger on the record, and a photo of the same finger of the body at the morgue showed forty identical points. He could say definitely that the body in the morgue was the body of Martin Keen, known in official police records.

He described Keen as follows: Martin Keen aged 22 last November; born at St George in Queensland; height, 5 feet 11 inches in boots; occupation, motor mechanic; dark brown hair and blue eyes. Witness also produced photographs of the motor car used in connection with the attempted robbery of the bank, also photos of front and rear views of the bank.

Leslie John Fitzgerald, manager of the Manjimup branch of the Bank of New South Wales, stated that at 1 p.m. on Saturday, the 23rd April last, he closed up the bank, leaving the resident officer, Ronald Walter Beck, there. All the money and valuables in the bank had been placed in the safe. That afternoon witness went to Perth. On the morning of Sunday, whilst in Perth, he was informed of an attempt to rob the bank, and immediately returned to Manjimup. He arrived in Manjimup about 1.30 p.m., and found an attempt had been made to open the safe. An oxy-acetylene cutting plant was set up in working order in front of the safe. A hole had been burned in the metal round the lower lock.

The photo produced showed the position of the cutting plant, with the safe covered by a tarpaulin. Another photo produced showed a circular hole on the safe over the lower lock. He identified the revolver produced (No. 33230) as the property of the bank. The revolver was usually kept in possession of the resident officer, Ronald Beck. It was always kept loaded in five chambers, with one vacant chamber under the hammer. It was usually kept with the torch produced, in Becks wardrobe after office hours.

There was a considerable amount of money in the safe at the time of the attempt.

George William Starkie, employed as a watchman for business premises in Manjimup, stated that in the early morning of April 24th his attention was attracted by movements of a motor car which soon afterwards he found drawn up at the rear of the Bank of New South Wales. He went to the back door of the bank and heard sounds indicating that someone was in the bank. He concluded that an attempt was being made to rob the bank and at once reported to Constable Harvey. Witness returned to the rear of the bank and was immediately joined by the constable. Both listened, and then the constable went to the front while witness remained at the rear.

At that time he could hear voices within the bank but could not distinguish what was said.

Shortly after the constable left him witness heard a voice which he recognised as Harvey's, shout something like "Put 'em up." Then he heard a shot fired at the front of the bank. Just afterwards the back door opened, and witness called out "Stop," and fired through the open doorway. The door was closed. A minute later the door opened again. Witness fired a second shot, and no one came out. Immediately afterwards, he fired again in the air to attract attention. Constable Harvey came round to him and asked if he was all right. Witness said "Yes." Harvey said: "I think I killed my man. Have you got any?" Witness informed the constable that the men were still in the bank. From the time of the shot in the front to the time of witness's first shot, only a few seconds elapsed. By the time Harvey had come round to him and returned to the front there was ample time for anyone in the bank to get away through the front door. Witness had a view of the rear until Harvey and others came round, and did not see anyone leave. He never saw the man who was shot.

On his way to report to Harvey he tried to ring the police station but could get no reply. Kenneth George Charles Mac-Arthur, of Jardee, said that on Sunday morning, the 24th April, between 2 and 3 a.m., he was walking through Manjimup on his way home from Palgarup. As he passed Manjimup Police Station he heard the sound of a bell which he thought was an alarm clock, but which might have been a telephone bell. He walked along Giblett-street in the roadway. Near the Post Office he met George Starkie who was hurrying toward the Police station. Starkie said, "Is that you Bill?" Witness said, "No; you've mistaken me for someone else." When opposite the Bank of New South Wales witness heard a buzzing sound, like an electric fan, but he could not locate the sound. As he passed on, a man came round the corner of Ipsen-street, and crossed Giblett-street, passing so close to witness that he could have touched him. The man did not speak and kept his face turned away from witness. Witness went onto the Jardee road then turned and saw the man standing under the second pine tree from the corner. It was bright moonlight, and he had noticed that the man wore white sand-shoes, a blue overcoat, with collar turned up and his hat pulled over his eyes. He was fairly tall and well built.

William Sproge, of Manjimup, said he resided in Rose-street directly behind the Bank of New South Wales, and slept on the front veranda. He retired at 11 p.m. on Saturday, the 23rd April. Next morning at about 3.30 a.m. he was awakened by the sound of a shot which seemed to come from the direction of the Bank premise. Shortly afterward he heard two more shots at short intervals, and then a fourth shot. He heard the night-watchman calling out. Witness put on trousers and shoes and ran to the front of the Bank. As he approached he met Constable Harvey, who ordered witness to put his hands up and asked who he was. Witness replies, "Bill Sproge." The constable said, "Good," and informed witness that he had shot one man. The two went together and examined a man who was lying on his back with his right hand outstretched and his left hand in his overcoat pocket. His feet were about 10 or twelve feet from the curb. What appeared to be a white mask covered the lower part of his face. The revolver produced was lying under his right arm. Harvey told witness to pick up the revolver. He did so and broke it open and found it loaded in five chambers, with one vacant chamber past the firing pin. Later, he handed the revolver to Constable Cooper.

On the man's hands were gloves similar to those produced. A light was procured and they saw he was wounded high on the forehead. The man never spoke and they saw he was unconscious. The front door of the bank was open. Witness and Harvey went into the bank and found no one there. They found an oxy-acetylene plant in front of the safe and the premises were full of fumes. Constable A. C. Cooper, stationed at Midland Junction, stated that on the 24th April he was on leave and staying at the Manjimup Hotel. At 3.30 a.m. he was called at his room and told that an attempt had been made to rob the Bank of New South Wales and that a man had been shot. He went to the bank, and on arrival saw Constable Harvey. Witness also saw a man lying on his back in the road about nine or twelve feet from the curb right in front of the bank premises. Harvey informed witness that he (Harvey) had shot the man when the man had pointed a revolver at him. Witness examined the man on the ground, and found that his right arm was stretched out, and the left hand was in the overcoat pocket. The man had been shot in the forehead. He was still alive but gasping for breath. A white handkerchief covered the lower part of his face. Witness removed the left hand from the overcoat pocket and found clasped in it a half plug of gelignite with cap and fuse attached ready for firing. From the same pocket he removed a small pencil torch. The revolver produced was then handed to witness William Sproge. The injured man was wearing the gloves produced. Dr. Williams attended and by his direction the man was removed by witness on a motor truck to hospital. Witness remained with the man until 5.45 a.m., when he died without regaining consciousness. The photo produced of Martin Keen was the photo of the deceased.

The next witness was Percy Fulton Preston, and, as a charge was pending against him he was warned that he was not obliged to make any statement that might incriminate him. Preston stated that the photograph produced was that of Martin Keen. Witness last saw Keen on the early morning of the 24th April, when Witness, Keen and Rodda were engaged in an attempt to rob the Bank of New South Wales. Keen went outside and left witness and Rodda in the bank. That was the last that he saw of Keen. They were disturbed and left by the front door. As he left he saw someone lying in the road but did not know who it was. Neither he nor Rodda were armed and as far as he knew neither was Keen armed. Whilst in the bank witness heard no shots fired.

Clarence Edward Rodda, who was also in custody, received the same caution as that given to Preston and gave evidence similar to that given by Preston. When in the bank he heard a shot which disturbed them. They left by the front door and went in different directions. As he left, witness saw and recognised Keen lying on the ground, and saw he was injured.

Constable William Harvey, in charge of Manjimup Police Station, said he was the only constable stationed in Manjimup. At about 3 a.m. on April 24th last he was in bed. He was awakened by the night-watchman, George Starkie, who told him that an attempt was being made to rob the Bank of New South Wales. Witness put on trousers, civilian overcoat and sand-shoes, and told Starkie to go back, and that witness would follow. The distance from the Police Station to the bank was about 500 yards. Witness went into the Police Station and got the service revolver (produced) which was fully loaded. He went down the main street as far as the post office and then up the lane at the rear of the bank. At the rear of the bank he met Starkie, and together they looked at a motor car which bore the number Y L 137. They then went to the rear of the butcher's shop adjoining the bank. At the back door of the bank, which was closed, they heard a slight metallic sound and words spoken in a low tone inside the bank. Witness told Starkie to remain at the rear door while witness examined the interior of the motor car. He saw suit case and shoes produced in the car. He then went to the front of the bank - a distance of about 150 yards. When he reached the front door he heard a grinding sound in the interior of the bank. He looked round instinctively, and saw a man coming toward him from the shadow of a pine tree on the other side of the road. It was a bright moonlight night. Witness walked to the edge of the footpath, and, not being able to recognise the man, shouted, "Who are you?" The man did not reply, but continued to walk toward him in a very determined manner. Witness again shouted, "Who are you?" The man made no reply, and when he was more than half-way across the road witness saw that his face was covered with the handkerchief produced. Witness raised his revolver about in line with his waist, and shouted, "Police here; put 'em up!" The man made no reply, but, still moving forward, drew a revolver from his right hand pocket, and when about twelve feet distant, levelled the revolver at witness, his right arm being straight out in front level with his shoulder. Witness raised his revolver and fired without taking aim. When the flash cleared the man was lying on the ground. Witness was certain that the man had fired at him. Until later, when the revolver was examined. After firing he turned and faced the door of the bank, and almost immediately heard three shots fired at the rear of the bank. He shouted to Starkie, "Are you alright George?" Starkie replied, "Yes."

Witness could hear sounds of a scuffle, and ran to the rear of the bank to assist Starkie. Starkie explained what had happened and said the men were still inside the bank. Witness returned to the front of the bank and found the front door open. He shouted and Sproge came running up along the footpath. Witness told Sproge to pick up the revolver which lay under the man's right arm. Sproge picked up the revolver and opened it, and said it had been fired, pointing to the empty chamber, which was at the time one chamber past the firing pin. Witness examined the revolver and found that no shot had been fired. The man was lying flat on his back with his right arm outstretched, and his left hand in the pocket of his overcoat. The handkerchief was still on his face. He was wounded over the right eye. Sproge produced a torch, and it was seen that the gloves were on the man's hands. Witness pulled the handkerchief down but failed to recognize the man. Going to the front door of the bank witness shouted, "Anyone in here?" There was no reply, and as witness entered the bank Sproge ran in front of him with the torch. They found a switch and turned the lights on. They saw the oxy-acetylene cutting plant (produced) in position for opening the safe as shown in the photos produced.

The place was in general disorder as a result of having been broken into. Witness sent Mr. H. A. Davis for Constable Cooper, who came and was informed as to what had happened. Dr. Williams was called, and by his orders the man was taken to Warren Hospital on a motor truck. Witness did not know the man who was shot, but afterwards learned that he was Martin Keen.

At the time witness fired he was quite certain that the man intended to shoot, and that his (witness's) life was in danger. He did not want to kill and it was against his will that he fired

at all. He had no option but to fire as the man was still advancing.

It was my bounden duty to arrest the man.

The mask and revolver, and sounds within the bank, were reasonable grounds for the belief that the man was engaged in a crime punishable with life imprisonment.

Instead of complying with my command he threatened me with a revolver. When in this position a constable has not the option of retreat, as a civilian would have. The position of the hammer of the revolver would suggest that an attempt had been made to fire the revolver, but had been cut short with the trigger half-way.

Police regulations dealing with firearms, and also the Criminal Code, provide that in certain circumstances a constable is justified in firing.

Detective-Sergeant Cowie produced the coat worn by the deceased man, and drew the coroner's attention to a concealed pocket in the lining of the left sleeve, apparently for the purpose of carrying a revolver.

The Coroner, after reviewing the evidence, said there was no question of doubt that Constable Harvey was fully justified in acting as he did, and, in protection of his own life, fired and killed Martin Keen. He returned a verdict of justifiable homicide.

The verdict was received by subdued applause, which was quickly silenced by Detective-Sergeant Cowie.