



**CRIMINAL LAWYERS ASSOCIATION
of the Northern Territory (CLANT)**

SIXTEENTH BIENNIAL CONFERENCE

***JUSTICE ON THE SMELL
OF AN OILY RAG***

[Un]Certain [Verbal] Admissions

The trials of John Bryan Kerr

Supreme Court Victoria

April – September 1950

A play reading presented by the CLANT Players

**SATURDAY 24 JUNE – FRIDAY 30 JUNE 2017
PRAMA SANUR BEACH HOTEL
BALI**

THE SCRIPT

[UN]CERTAIN [VERBAL] ADMISSIONS

THE KING v JOHN FRANCIS KERR

THE SCRIPT

[The stage and floor are divided into a number of acting areas. On the stage right is a bench (table) with two chairs. The one in the centre will be for the judicial officer. A chair slightly to the side will be for the narrator; both will use a fixed microphone or mobile microphone. On the floor, stage right, will be a bar table at an angle of approximately 45% to the stage. It will have two chairs; initially one is for use by Kerr's psychiatrist (see below) and then they will be for use by the two investigating police officers, to be replaced thereafter by the prosecutor and defence counsel. There will also be a chair in front of the table for John Francis Kerr, when interviewed by the police. This table will also have access to the sound system. On the stage left will be the lectern (as used during the conference) with sound available. This will be used for the witnesses. Below the stage, floor-stage centre, will be a small table and chair for use by the accused during the trial...the dock! A mobile microphone will be available. When the play opens the judge and narrator will be in position and the two police detectives, Adam and Currer, will be sitting just behind and near the bar table but not at it. The character Kerr will be sitting on the opposite side of the table. He will shortly be "the prisoner". He will be dressed as for a 1950 "smooth operator". He will wear collar and tie. Sitting opposite to him will be Dr Henry Stephens making notes. This action will commence when the character Rose Kerr is speaking from the lectern. There will be a diary or calendar facsimile on the table showing the year 1947 in BIG letters. Hopefully some of the audience can see it. When the psychiatrist vacates the chair [and is replaced by the police), the placard can be altered to 1949. Once the trial starts, it needs to be removed altogether.

When the performance commences, all the characters are in tableau. Some movement is required when the dialogue commences in accordance with the stage directions which follow.

Standing at the lectern will be Rose Kerr. Seated just behind her will be the victim, Beth Williams. The counsel are waiting off-stage right and all other witnesses will be seated, in order of appearance, in the front two rows (left) of the audience seating. The detectives involved in the opening scene will need to move into these seats when the prisoner interview is completed. Kerr moves to the dock. The foreman of the jury will be seated in the front row

of the audience seating, stage right but in left hand chair].

Narrator; Jimmy Edwards, Associate to Justice Barry

In this tale of murder, I am your narrator,
Not to be confused with the [suspect] perpetrator.
That is, one John Bryan Kerr.
You will see him sitting over there [*points*].

My name is James Edwards, known as Jimmy . Not Sheriff,
But a judge's fine associate, tho' now I am a seraph.
Jack Barry was my judge for over twenty years.
I learned a lot in my job. I had excellent ears! [*knowing look*].

The body of Elizabeth Williams was found at Albert Park,
Melbourne, on the beach, with a strangulation mark.
It was very early morning in December '49.
But of her killer, there was there and then no sign.

Beth, as she was known, was a 20 year old blonde;
A pretty girl from Tassie, but in Melbourne no firm bond.
She had been with John Kerr the night before she died;
But when interviewed by police, his guilt was denied.

At least, that is what Kerr claimed he said
To the Police: *when we parted she wasn't dead!*
But ***Detective Bluey Adam***** said, *that's not true.*
Kerr confessed to me and Cyril Currer without much ado.

****[Note: spontaneous outburst of approbation each time Adam's name is mentioned throughout the play reading, by designated players...or whole audience, if so moved, as follows:-*

***Bluey Adam,
Bluey Adam,
Here's to Bluey
He's True Blue]***

So battle lines were joined, with the issue very clear,
And how it then developed, you're about to hear.
The case excited great interest in the general public mind.
Crowds flocked to the Supreme Court where Justitia stands blind.

There were three jury trials in the year nineteen fifty.
The first two could not agree to find Kerr guilty.

But it was third time lucky for the Crown.
Justice [*Cold Charlie*] Lowe helped put him down.

There was the usual mandatory death sentence imposed,
And appeals through to the Privy Council were opposed.
And all were lost, but mercy was extended.
And a twenty year sentence, By Cabinet, was rendered.

All of this is in the ***Introduction*** explaineth;
So there is no cause for audience *complaineth*,
If there is trouble in following our play.
So, now I will introduce the players, if I may?

First up, will be Kerr's mother, Rose:
She will be supporting her son, you might suppose.

Rose Kerr; mother of John Bryan Kerr

I am the mother of John Bryan Kerr.
I am quite certain he didn't kill her.
He is a beautiful boy who I love very much.
He could never behave as a murderer, as such.

We once had an argument, when a window was broke;
But his behavior is no different from other folk.
I did send him to a doctor... [*pauses and ponders*], Stephens, I think,
One of those psychiatrists... [*vaguely*] a shrink?

But he said John was superior and a precise young man,
And found nothing requiring a treatment plan.

Dr Henry Stephens [*interrupting from seat opposite Kerr*]

Just a moment – my opinion on Kerr has been twisted.
I expressed it in terms, which I listed.
He was precise, superior, elated and rather euphoric;
In combination, these could be catastrophic.

[At this point, Stephens removes himself from the bar table, moving to the general witness area. His place is taken by the two police officers, with witness Inspector Donnelly filling one of their seats, near the bar table. Rose Kerr retires altogether, and her place is taken by Elizabeth Williams].

Narrator

Next, for your assistance, you will hear from Beth...or should it be Bess?
For what really happened to her that night, you will be left to guess!

Elizabeth Maureen Williams; the victim

I'm Elizabeth Williams, the corpus delicti.
But I'm afraid my memory is imperfecti.
The night before I met a sailor called Steve,
At the Trocadero Dance; he was on shore leave.

Next night we were to meet at Flinders Street Station,
At 7:15 pm. He was late. I was impatient.
There were no mobiles then, so Steve couldn't call.
I'd been stood up; but then saw John Kerr...he was nice and tall.

I had met him in Tassie a year or so before.
I called out *hello*, and without ado more,
He asked me for dinner, I was pleased for the date.
John was very good looking, and Steve very late.

We had dinner at Mario's and then went to a party,
With friends of John; all hale and hearty.
I had a good time, though John seemed distracted.
There was an older woman to whom he was attracted.

We were given a lift to my digs in Middle Park.
As to what happened next, we remain in the dark.
My body was found semi-clad, as you see.*** (*Director's note*)
No interference, but neither nylons nor panties.

I was there on the beach, with marks on my throat.
How did they get there? *It was murder*, she wrote!
I must leave you here to ponder my fate,
Coincidentally because a tar was too late!

Action now moves back to the table at right side of the stage where Adam and Curren face Kerr. Adam has sheets of papers, a photograph of the deceased, and a pen.

Adam: We are enquiring about the Williams girl...[*Looks at Notes*] "*Beth*"
And about the circumstances of her death.
John, thanks for coming in with us today;
We are wondering just what you can say?

My name is Frederick Adam,****with the Homicide Squad.
We've solved a hundred murders, some without a bod.

My offside here is Cyril Currer, a member of the team.
You certainly fit the bill for this, or so it would seem.

Kerr: I am happy to help you solve this dreadful crime,
And will give every assistance and all my time.
But I have to tell you straight-up, that I am not to blame!

Adam: Let's not waste time here, Kerr that would be a shame.

Kerr: [*Indignant*], Mr Kerr, please Detective, there is no need to be rude.

Currer: Look, you're lucky, Kerr, that we are in a good mood!

Adam: [*pauses; looks at photo*], Good gracious, Beth was just a
Kid!

Let's cut to the chase, Kerr, tell us what you did,
And I'll write it down right here and now,
In words no good judge will disallow.

[*Adam starts fiddling with his pad and pen...scribbles some notes*]

Kerr: Well, you can write down what you see fit,
But it won't necessarily be legit.
I've been telling you again and again,
When I left her she was right as rain.

Currer: We know you did it; we don't need your aid, You
were angry 'cos you couldn't get laid. You made
approaches and she declined...

Kerr: That's wrong...I wasn't romantically inclined.

Currer: Her panties were gone; ripped off by you...
What, so that you could get a good view?
And kiss the girl's privates and have some sick fun?

Kerr: No, please stop it...I'm not the one

Adam: She was strangled, poor girl, with that hand? [*pointing*]

Kerr: No, no! You refuse to understand.
She wasn't the sort that I would pick.
In fact, after we were dropped off, I felt quite sick.

There was another girl at the party whose number I got
Her name was Barbara Robertson. I liked her a lot.

Adam: Look you had had a few drinks and you did your block.

Currer: Just tell the truth; don't be a silly cock.

Kerr: I did have some drinks, and I sometimes get cross.
There have been times when I've been at a loss
To explain my actions. But not on this night!
I did nothing wrong...I did everything right!

Donnelly [*Notionally, pokes head in the door...from behind the detectives*]
How's it going, Bluey, with this feller, Kerr?

Adam: Well, good, Inspector; he's admitted strangling her.

Donnelly: Have you told him that murder is a capitol offence?
Hanging, that is!.....What's his defence?

Kerr: I don't need a defence for something not done
By me. I could have been just about anyone!

Adam: Quite frankly, to deny you involvement is quite bold.
You've admitted the strangling and leaving her cold.

Kerr: [*again indignant*] I certainly haven't, because I did not.

Adam: Let's wrap it up, Cyril. I've got the lot.
We will charge him with murder, and I'll write it up.
You and I can have dinner and, perhaps, a cup.

The police remove themselves from the table and take their places with the other witnesses. Their spots are taken by the prosecutor Winneke KC and the defence counsel, Monahan KC. Kerr moves to the dock.



Narrator

Things moved much quicker in those earlier years.
The first of Kerr's trials before 12 of his peers,
Was before O'Bryan J in April 1950.
It was prepared and ready to start in just a jiffy.

Now, the Judge stirs himself from his enforced reverie.

And now we have for you a special surprise,
Here comes the Judge! Please all rise.

Justice O'Bryan [Trial Commences]

Judge: Ah! Mr Winneke, the case of John Bryan Kerr, For murder,
is about to be heard.

Winneke: Yes, I appear to prosecute, if Your Honour is pleased.

Judge: Well, yes, Mr Winneke, I am very relieved
To have your assistance, and that of your friend.
Mr Monahan, you appear to defend?

Monahan: Yes, Your Honour, for the innocent man,
He puts himself happily into the Jury's hand[s]

Judge: *[Waves judicial finger]* No speeches yet, Mr Monahan. I'll

hear from the Crown...
Their opening...and how it went down.

Winneke: [*Turns to the Jury...and, coincidentally, to the delegates*]

Mr Foreman, and Members, an unfortunate tale;
A man and a girl...and, perhaps, too much ale;
An innocent girl, and a beast of a man;
Breaching his trust...perhaps, not by plan.

But the result is the same - a girl dead on the beach.
And of her trust of that man, demonstrable breach.
You will hear of opportunity and confession;

A lustful man with uncontrolled aggression.
With no more ado, I'll call the first witness.
He examined the body and will give his analysis.

Dr Keith Bowden

Winneke: You examined the body of this dead woman;
Can you fix the hour she died, or, at least, the span?

Bowden: It was clear that she had been strangled to death.
But there had been no sexual interference with Beth.
My first advice to the police was between 10 and
midnight.
But I later extended this to TWO [*Muses to himself*]...
that would be right!

Monahan: You extended your deadline to *no later than TWO*,
To tie in with the Crown theory, which was otherwise untrue?

Bowden: No, it's essential for the scientific mind,
To be open to adapt...not to be blind.

Monahan: But why not **after TWO**? Why so dogmatic?
It's because, for the Crown, its problematic?
All I'm suggesting, is it could have been later.

Bowden: No, TWO suits the circumstances for which I can cater.

Monahan: Wasn't there sand found in the lungs of the deceased?
Maybe she drowned? Would you concede that at least?

Bowden: No, although she was found on the edge of the sand
I believe she met her death by human hand.

Patricia Street

Winneke: I call Patricia Street, Beth William's room-mate
Miss Street: What can you tell of that last fateful date?

Street: Beth and I were from Tassie; we were good friends.
We shared a room together to help meet our ends.
The night before she'd met a sailor at the Troc.
They arranged to meet under the Flinders Street Clock.

He'd brought her home safely the night before.
He seemed nice enough...a friend, nothing more.

Monahan: Beth took social risks, from time to time?

Street: What do you mean? Going out is no crime!

Monahan: But she met up with Sailors at dances and clubs?

Street: There was no harm in it. We didn't go to pubs!

Monahan: You had a date that night, I think as well.
Who was home first, or couldn't you tell?
Was she possibly home first, and went out again?
Was that something Beth did, every now and then?

Street: Well, the door was ajar, and this made me think
Perhaps she'd returned, and then gone out for a drink.

Monahan: And perhaps met the villain who treated her badly?

Street: But I never ever saw her again; [*tears!*]
So I'll never know what happened to my lovely sweet friend.

Barbara Robertson

Winneke: **Mrs** [emphasizes the **Mrs**] Barbara Robertson is next on the list
It is **Mrs** Robertson, and not **Miss**?

Roberston: That's correct.

Winneke: You were at a party at John Penno's flat? [*witness nods*] What happened?

Robertson: We had a drink and a dance and a chat.

Winneke: How many were there?

Robertson: Approximately eight.

Winneke: What time did you leave?

Roberston: It wasn't too late.

Winneke: Was John Kerr there, with Beth Williams, he came?

Robertson: Yes, to John Kerr, but I didn't get the girl's name.
We were all driven home by my friend, Leslie Wood.
We dropped John and the girl off...all seemed good.

Monahan: Mrs Robertson, I don't wish to pry
And I will have to ask you not to be shy.
It will be clear to the jury, you are an attractive lady
Being out by yourself...perhaps a little shady?

Judge and Winneke both interrupting!!

Judge: Really, Mr Monahan, these insults are cheap
And do nothing to help the jury's broad sweep
Of understanding the events of this night,
And eventually able to see the clear light.

Monahan: Thank you Your Honour. [*To the witness..*] You were a model at George's
You were flattered that John Kerr found you so gorgeous?

Robertson: If you say so, Mr Monahan [*preening slightly*]

Monahan: But I certainly do!
He was younger than you, and good looking, too.
And you know it yourself, he asked for your number.
And it wasn't in public...while doing the rumba?

Robertson: No, it was in John's bedroom, while I was putting on make-up.

Monahan: And Edie, the host, came in, as sort of a break-up?
She thought you and John Kerr were getting too friendly.
And John Kerr was treating his date quite unkindly.

Robertson: Well there was no harm in it; fun is no crime.

Monahan: Yes, that's seems to be the spirit of the time!

Edward [Edie] Penno

Winneke: I now call Madam Penno to give her evidence,
Of a get-together that night at her residence.

Penno: My name's Edie Penno, a tailor by trade. I remember
I dined at **Mario's** on 27th December.
I invited people there home to my Malvern flat,
Nothing fancy, just a drink, some music and that.

The person who was with my guest Barbara, the most
Was John Kerr. I noticed this in my capacity as host.
At one stage, they were together in my bedroom.
I brought them out, before any trouble could loom.

Monahan: By *trouble* you mean of a romantic kind, I take it?

Penno: Yes, there was nothing aggressive or explicit.
I just thought John was ignoring his date.
And should spend more time with her as it grew late.

Monahan: But it was clear to you that there was an attraction?
Between John and Barbara...an obvious reaction?

Penno: But the timing was wrong and other people involved.
For the time being, it had to be resolved.

Monahan: And did you satisfactorily resolve all the issues?

Penno: Yes, without tears and no need for tissues.
They later left my flat, happy and content,
To be driven home; with Les Wood, they all went.

James Stevens

Winneke: James Stevens, a sailor, sometimes known as *Steve*?
In December of last year, were you on shore leave?

Stevens: Yep!

Winneke: Did you meet Beth Williams at the Trocadero Dance?

Stevens: It was just one of those things, completely by chance.
I walked her to her room at Middle Park...it wasn't late.
And arranged to meet next night for a movie date.

Winneke: Go on?

Stevens: I couldn't get tickets for the show we foresaw,
So we were going to show up for tickets at the door.

Winneke: So, did you meet her that night and keep to your date?

Stevens: No, I was quite late, I'm sorry to say, caught up with some mates.
By the time I arrived, Beth had gone off somewhere.
I never saw her again...[*mournful*]...it seems so unfair.

Monahan: So, Mr Stevens -Steve - you knew where Beth lived?
Did you go to see her that night, an apology to give?

Stevens: No, I wish I had; perhaps she'd be alive

Monahan: Unless it was you that deprived her of life?

Stevens: No, it was not. I called the Police as soon as I read
Of her death, in the newspaper. I was filled with dread.
That's more than your client did, from what I have heard!

Monahan: [*Sharply*] Just answer the questions, witness, without cheeky
words.

Evidence of Bluey Adam & Rulings, etc

Winneke: I now call Detective Frederick John Adam***to play his role.

Judge: Silence in the Court...we're not dancing round a maypole!

Winneke: I understand that John Kerr confessed to Mr Curren and you?

Adam: Yes, Sir and Your Honour [and Mr Foreman], without much
ado.

My experience, and I've lots, tells me criminals confess
To clear their consciences, where their minds are a mess.
I took down his statement using only his word.
Cyril Curren sat with me and Kerr's dictation was heard.

Winneke: And at the end of the statement, was he invited to sign?

Adam: He said it was correct when I read it, but the pen he declined.

Winneke: But he acknowledged it was true, you positively say?

Adam: There was no doubt of that at the end of the day.
At the end of the reading, he said it was true, again;
And, as a postscript, claimed he'd be pleading insane.

Winneke: Well, I tender the statement, if Your Honour pleases.

Monahan: I object to the tender, for obvious reasons.
The Crown hasn't established the basis for tender,
For a document to be used against an offender.
It's bad enough that it's read out to the Court;
Our objection to tender really comes to nought.

Judge: I uphold the objection. There is no evidence in the case
That the accused adopted the document, as the base
Of his confession, as the prosecution alleges and the defence
denies.

It remains for the jury to determine where truth lies.

If a person were wicked enough to invent
A confession, he might also try to circumvent
Truth and justice by misreading the statement.
So, tendering the paper adds nothing of moment.

Narrator: You will find the Judge's ruling in the Victorian Report.

We will now pass on to the Cross of Adam, and some sport.
You will understand that Adam's written statement of Kerr,
Has always been denied, despite corroboration by Currer.

You understand the gist of the confession -
Some anger? Some alcohol? Sexual obsession?
But the language seems strange for a Scotch College boyo -
One who was making a living announcing on radio.

Monahan: Mr Adam, are you known as **Bluey** far and wide?
And have you taken many charged men for a ride?
[Winneke rises to his feet quickly...]

Judge: *[Waves Winneke down]*
Mr Monahan, your question's too wide and I therefore reject
It; if you have anything relevant put it direct.

Adam: Your Honour, the story I have told is without any garnish.

Monahan: That's the point, it's a story...and its utter rubbish.

Adam: Mr Monahan, I face your questions with no trepidation.
Because before me travels a good reputation.
And if we travel to the future, long after this case,
You will find my conduct was never regarded as base.

You will know John Starke, a member of your Bar?
In '63 he wrote these lines for my memoir.
And, with the delegates' indulgence, they will now hear
Starke's words set to music, pleasant to the ear.



The Ode to Bluey Adam

*He had brandished high, Excalibur, to cleave a path to fame,
Amongst murderers and varlets who have trembled at his name,
And in his courtly jesting he has parried many a blow
(Some have been above the belt, a few a little low).*

*But when the storm was at its highest, he was not a man to shrink,
As many a lawyer will tell you, who in his armour found no chink.
And so was born a reputation, and with the years it grew,
'Til we dubbed him Knight of Policemen, and christened him Sir Blue.*

(Ascribed to John Starke QC...as he then was, presented as part of a longer Ode at a celebratory function for Frederick Adam, held in 1962)

Monahan: Well, what a lot of futuristic nonsense, Mr Ad-am
It's such a shame you misled so many with your sham
Behaviour over many years; but more of that anon.
In the meantime, let's examine what in this case went wrong.

This so-called statement started at 12.30, you say
And finished at 2.00 AM on that same day.
That's about 90 minutes from end, back to start.
Have you counted the words on this work of art?

Adam: No, It wasn't necessary...I don't get paid pieceworks.

Monahan: No, I guess that's not one of your normal perks!

Judge: *[Sharply]...Counsel!!*

Monahan: I'll move on...there were 585 words...that's 7 a minute rate?

Adam Kerr was silent for minutes on end...sometimes 7 or 8.

Monahan: He wasn't helped with questions in those awful silences?

Adam: No, we had him *dead to rights* ...there was no impatience.

Monahan: Look, these words are yours and Mr Curren's?

Adam: No, they are not; they are John Kerr's.

Monahan: He didn't say *I kiss women's privates*; that is your style.

Adam: Actually, my language is stronger...some say, *quite vile*.

Monahan: And did he really say, *there **WAS** bright lights there?*

Adam: That's what I wrote, and it's true, I declare.

Monahan: One final thing, Mr Adam, those words at the end
Of the statement you wrote...when were they penned?
You added a bit about him pleading insane.
But in the original copy it wasn't contained?

Adam: The typist was overworked, but I can't otherwise explain.
These things happen...you can't complain.

Monahan: [*Throws up hands in mock despair; sits down huffily*]

Evidence of Cyril Curren

Winneke: Detective Cyril Curren...were you with Mr Adam**** at the interview?

Judge: Just a minute; we are not having musical interludes for this Witness, too?

Winneke I believe not, Your Honour, or, at least, so I hope.

Monahan: Your Honour has already given too much scope,
To these scandalous outbursts of approbation
For a man who's really a disgrace to the nation.

Winneke: Now my friend's got that of his chest, can we proceed?
Detective - with my learned friend's permission - I'll lead.

Were you present when the accused was interviewed?
It has been suggested that some remarks which were lewd,
Emanated, in fact, in the first place from you.
So, firstly, could you tell the jury if that was true?

Curren: Certainly not, they are not expressions I would use,
I reject the accused's allegation as cheap abuse

Winneke: And, otherwise, was the statement written by Mr Adam, fair?
*****[Here a poor attempt to sing out again, is put down by the
Judge, half rising and putting his hand up]*****

By which I mean, did it properly reflect what was said then and
There?

Currer: Yes, it did...Mr Adam is scrupulous with his interviews;
There is never any trickery or employment of ruse.
Kerr confessed absolutely fair and proper;
Music to the ear of a good copper!

Monahan: Yes, no doubt, because it saves you from doing any real work,
In solving the case. You can get on with other lurks.

Judge: Mr Monahan!

Currer: Look, I'll have you know, I'll be promoted next year,
And from Justice Jack Barry I will hear.
[Reads from note]
Presiding at a murder trial is a heavy and exacting task;
Complete confidence in the police witnesses is all I ask.
And I have always had that confidence in you,
And the community therefore is well-served, too!

Narrator: And just as an aside, it's amazing how familiar,
Were the lawyers and the police force throughout that era.

John Kerr's Evidence

Monahan: I'll call John Bryan Kerr to tell his tale.
It will all be in truthful detail.

Monahan: Did you kill Beth Williams?

Kerr: I did not!

Monahan: So, the Police's evidence?

Kerr: Is all Tommy rot!

Monahan: What did you tell them?

Kerr: I told them the truth.

Monahan: And you language?

Kerr: Was entirely couth.

Monahan: Did you say *I kissed her privates*, or that sort of things?

Kerr: Certainly not, it is not how my speech rings

Monahan: So what really happened on that awful night?

Kerr: My version we heard earlier got it all right.
When I left her in Mills Street, she was *peaches and jam*,
She was walking home, and I got a tram.

Monahan: When did you hear of the terrible news?

Kerr: Not 'til next day, I was totally confused.

Monahan: Did you attack Beth at all?

Kerr: Not for a minute.
It's embarrassing to tell, but I had to go vomit.

Monahan: Perhaps that night, you had too much to drink?

Kerr: Yes, but that doesn't to murder provide a clear link.
I say, again, Mr Monahan, I am innocent as day.

Narrator: Mr Winneke, the prosecutor, then entered the fray.

Winneke: Kerr, what about the story you gave Stephens, the psyche?
About what you do to people you dislike?

Monahan: I object to these questions, Stephens not being called.

Judge: Yes, Mr Winneke...I think you're forestalled.

Kerr: But Dr Stephens gave me a clean health bill,
And since that time, I have never been ill.

Winneke: You told Mr Adam*****you had a *neurasthenia*.

Kerr: That's nonsense - made-up - Adams's *moment senior*.

I told him I had neurodermatitis when I was in the R.A.N.
How he got *neurosthenia* from that, is beyond my ken.

Winneke: Look, your evidence's word perfect, with two trials to come.

Kerr: No need to *learn* the truth, when it's plumb.

Winneke: You strangled Beth Williams, wandered off on your own,
Leaving the poor girl, on the beach, dead...all alone?

Kerr: I certainly left her on her own, as I've always said.
I was devastated later to find she was dead.

Conclusion of First Trial

Narrator: That's enough of the evidence of the first trial.
You have the gist...confession?...denial!
We'll spare you hearing counsels' address;
Sometimes only intended to self-impress

So, Justice O'Bryan delivered his charge;
Regarded by both sides as fair, by and large.

Judge: It's for you of the jury to decide the facts.
You might be suspicious of the accused's acts.
But that's not enough; do you believe the police story?
Are you fully satisfied that it's hunky dory?
If you're not sure that it might be all pork(ies)
The accused is entitled to an acquittal (and walkies!)

Narrator: The jury went out on a Saturday morning.
By 5 pm they returned, all yawning.

Judge: Mr. Foreman, in the case of John Kerr, have you reached
a verdict?

Foreman: Your Honour, I'm afraid, we are in total conflict.

Judge: If I give you more time, is a verdict probable?

Foreman: I am quite sure that it would be impossible.
We are totally deadlocked, and cannot reach
A decision...which must be the same for each.

Narrator: And so this trial finished without a result.
Whether a re-trial? The Crown would consult!



The Second Trial

Narrator: Justice Barry, my Judge, presided over trial number 2.
The evidence at that we won't repeat to you.
The prosecutor was not Winneke, but Cussen.
But you won't hear from him...I beg his pardon!
[Nods deferentially]

Judge [Barry]: I understand the Crown wants to call a medico,
But with that application, I am not simpatico.
It was to be from the accused's doctor, as to some earlier
act.
In my view, it would do nothing more than the jury distract,
From deciding the case on the evidence properly before it.
And so I confirm, I will not it admit.

Monahan: I have some witnesses who want to appear,
And give evidence for the jury to digest, and hear,
Who saw an unidentified suspect near to the scene;
Whose presence the Crown case does contravene.

Judge: No, I won't allow this trial to go on and on...

Monahan: *[Expressing himself vigorously]* But, Your Honour, the trial will
miscarry...it will be a grave wrong!

Narrator: My Judge confirmed his ruling, did Justice John Barry.

Monahan: I repeat, Your Honour, the trial will miscarry!

Narrator: Mr. Monahan made imputations about the virtue of the
victim;
The Judge thought it brought no credit to him.
The Press reported the suggestions without qualification.
And the Judge was furious with their publication.

Judge: *[Turns to Narrator/Edwards, as an aside]*

Mr. Edwards, tell the media, and tell them foursquare,
In the future, I expect and demand they be fair!

Narrator: And my Judge's views were mirrored in his charge.

Judge: You heard Mr Monahan attack the dead girl...it was large!
It's trite to say she is not here to respond.
It's unfair, you might think, to paint her as a blonde
Young woman, going out to dance
As if that somehow branded her, as if by nuance.

Narrator: His Honour continued his remarks in a similar vein,
And, perhaps, overdid, his defence of the slain.

[Judge looks sideways at Narrator/Edwards, with disapproval]

Monahan: *[Jumping to his feet, fighting mad]*
Your Honour read the evidence for the defence in a
monotone;
It was unfair and delivered as a meaningless drone.

Judge: If you speak to me like that, you can resume your seat,
And continue your submissions without all that heat.

Narrator: These two senior men, friends in Chambers and the Bar,
Fell out extraordinarily, with Monahan fighting hard.

Monahan: I persist, Your Honour; I'm no legal dunce.

Judge: *[Equally fired up]*
Your are insulting, Mr Monahan, sit down at once!



Narrator: The Jury were out overnight, and were locked up 'til noon.

Foreman: Sir, we have as much chance of agreeing, as man reaching
the moon.

Judge: *[Clearly unhappy]*
Humph! I will discharge the jury...the accused is remanded.
The Crown must decide whether further trial is demanded.



The Third Trial

Narrator: Public interest determined, so the Attorney--General decided,
That another contest be held...was he misguided?
The Defence team was the same, with Frank [*Frosty*]
Nelson for the Crown.
It soon became very clear that he could hold his own!
But the star of what by now was really quite a show,
Was acting Chief Justice Sir Charles [*Cold Charlie*] Lowe.

So, a very **cool**, fresh and committed government offence
Confronted what was, by now, a tired and weary defence.

Nelson: I seek to call a doctor, Stephens by name,
Who treated the prisoner for behaviour the same,
As revealed in his alleged confession to the Homicide
Squad,
So supporting his admissions as not being odd.

Monahan: [*a weary rising to his feet*]

Judge: [Waves him down]
Don't tell me my brother Barry ruled this down.
But we all know by that decision, I'm not bound.
I know you object, Mr Monahan, but I will allow
This evidence to be given here and now.
Read the Reports to be published next year.
The Appeal Court will endorse this decision, now and here.

Doctor Stephens

Nelson: Was John Kerr your patient for some years past?

Stephens: Yes; he told me of rages, and how long they last.

Nelson: Did he tell you of incidents involving his rage.

Stephens: There were times, he said, when he was on a rampage,
And couldn't manage his behaviour at all.
It concerned me that he was out of control.

Monahan: This question's for practise; it won't help the cause.
But doctor, how is it you've broken an ethical clause?
And given evidence of privileged patient relations?

Stephens: Well...

Monahan: *[Waves him to silence]*
Don't bother, I'm not interested in obfuscations.

Narrator: Stephens was the significant extra witness.
And his evidence was critical to the truthfulness,
Or otherwise, of the competing versions
Of the Police confessional assertions.

This far removed from the actual court and scene,
Justice Lowe sided strongly with the Crown...or so it
seems.

Judge: *[This delivery is presented with a great deal of emphasis and rolling of eyes, raising of eyebrows, etc. clearly demonstrating the judge's view]*

The question for the jury is, whom do you trust?
And, in due course, to find that answer is a must.
On one hand, four police officers say he confessed.
On the other, the prisoner says his guilt was finessed.
Are the police so wicked and corrupt to concoct all those
lies?
Or is this prisoner one on whom you can rely?

There is no need for a motive to be shown.
But if you accept the confession, it's in his words own.
He was there for a *perve* (what does that mean?)
But you will remember, no intercourse had been.
And for those who think this is a bootstrap line,
Remember this conviction has stood the test of time.

Remember, Mr Foreman, in 1950, we don't have DNA.
New-fangled crime detection will come another day.
In the meantime, old-fashioned methods are probably best.
Experience teaches us most offenders do confess.

In this matter, Mr Adam*** confirms that this is the case.
Are you going to say that his actions are base?
It's a matter for you, as the direction goes;
But *you might think* the defence is all fiascos.

Unless you think the police evidence is all wrong,
Your deliberations shouldn't take too long!
I now invite you to consider your verdict.
Simple words...*guilty* or *not guilty*...words quite succinct.



Narrator: The jury were out for six hours at their task.

Judge: Mr Foreman, I understand there is a question to ask?

Foreman Your Honour, can we find him guilty, with a plea for mercy?
In that he was not, at the time, acting wholly responsibly?

Judge The simple answer to your question is **YES**.
But how you get there I don't know, I must confess.

But, now that's clear, what is your verdict?

Foreman Guilty, Your Honour, but with punishment not strict.

Judge Stand up, Prisoner; there's just one sentence in law for the
murder of Beth.
The order of the Court is that you be sentenced to death.
However, I have made a note of the Jury's request.
And this will go forward for the Cabinet's test.

Kerr Your Honour, I will protest my innocence to my dying day.

Narrator And so he did...but that's not part of our play.

There was a CCA hearing and a trip to the Privy Council;
It was not then unusual to go directly international,
By-passing our own High Court on the way.
But no matter the route...the answer was **Nay**.

Cabinet decided in December that he deserved
Not to hang; commuted to 20 years to serve!
Of this he served 12, with normal remission,
And in 1962, received parole permission.

Kerr lived out his life under a different name;
But never accepted any blame or shame,
For what happened that night to poor young Beth;
How did she breathe her very last breath?

Now, Bluey Adam didn't prosper too well,
And from the early sixties, lived his own kind of hell.
And despite a great police career in the fifties,
It all fell apart with too many swifties!



*But as so often happens, the legend was bigger than the man.
Bluey's reputation was tarnished; he became an also-ran.
He got involved in bribery with Detectives Matthews and Jack Ford.
Adam escaped a verdict, but they - a jail record!*

*Yes, history has not been kind to Detective Adam.(Blue).
Were many of those records of guilt actually untrue?
Did John Bryan Kerr 'fess up to the detective?
Or was the process a sham, and thus defective?*

*We only know that John Kerr did not accept the blame,
For the killing of Beth Williams, or the public shame;
Except in one unsigned handwritten interview,
Made by Detective Frederick John Adam...otherwise, Sir Blue!*

(These latter verses claimed to have been written by Mr Toad)



THE END

CLANT PLAYERS 2017

[In order of appearance]

Narrator...[Jim Edwards, Associate to Sir John Barry]	Russell Goldflam
Mother of Defendant, Rose Kerr	Elizabeth Morris
Kerr's Psychiatrist, Dr Henry Stephen	Jo Byrne
Victim, Elizabeth Maureen William	Naomi Loudon
Detective Frederick John [<i>Bluey</i>] Adam	Tom Berkley
Detective Cyril Curre	Mark Hunter
Inspector Hugh Donnelly	Paul Usher
Defendant John Francis Ker	Paddy Coleridge
Judge[s] of the Victorian Supreme Court, Justices O'Bryan, Barry & Lowe	Tom Pauling
Prosecutor...Henry Winneke KC & Frank Nelson	Jonathon Hunyor
Defender...Rob Monahan KC	Tom Percy
Coroner's Surgeon...Dr Keith Bowden...	Ambrith Abayasekara
Flatmate...Patricia Street...	Kate Fuller
Party Host...Edward Penno...	Anne Healey
Party Girl...Barbara Robertson...	Sarah Parsons
Sailor/Date...James Stevens...	Marty Aust

Foreman of [3] Juries...

Brittany White [& assorted
associates
& Judges]

Vocalist & Occasional Music

**Martin Fisher, David
Dalrymple & Russell
Goldflam**

Production Staff

Producer

Mr Toad

Director

Mr Toad

Scriptwriter

Mr Toad

Casting

Mr Toad

Stage Manager

Mr Toad

Musical Director...

Mr Toad (assisted by
Martin Fisher)

Best Boy (and assistant to Mr Toad)

Rex Wild

*[With apologies to Toad of Toad Hall from **Wind in the Willows** by Kenneth Grahame]*