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FIRST WITNESS FOR PROSECUTION ON 3RD AND 4TH CHARGES.

W 24404 Pte. Stephens R.M., Wilts. Platoon, A.T.S., sworn, states:

"On the night of August 19th, 1943, I was standing outside Sandhurst Block with Sgt. MacIntyre at 1145 p.m. Four more Canadians came down the direction of the C.R.S. One of them pushed Sgt. MacIntyre. He demanded why he was being pushed. Next minute I knew he was on the ground. I ran in and booked in and came out again. Just after that the fight broke up. I got Sgt. MacIntyre going up the road. One came after him followed by the others. They got him down again. Two more Canadian soldiers came down the road. They then let Sgt. MacIntyre up. One of the Canadians looked after me, one looked after Sgt. MacIntyre. The other men proceeded toward Carter Eks. The two that helped us followed. Sgt. MacIntyre came down to Carter Eks and reported to the Orderly Officer. I saw Sgt. MacIntyre get struck. I was ten to twelve feet away from the fight. There was enough light for me to make out that blows were being struck. I am not certain but I think four or five people struck Sgt. MacIntyre."

Cross-Examination.

"I wasn't more than a foot from Sgt. MacIntyre when he was first pushed. His face was badly hit and his knee was hurt. The second fight did not last more than three or four minutes. It might have been three or four minutes. I could see ten feet that night. I think I could recognise a person at ten feet that night. I am not sure whether there were four or five. I was hysterical. I could not remember whether there were four or five. I could not say who the Canadian was that was in the second fight. I could not recognise him. I did not recognise any of them sir."

The evidence is read over to the witness.

SECOND WITNESS FOR THE PROSECUTION ON THE 3RD AND 4TH CHARGES.

F 28353 Pte. MacNeil J.F., 1 Cdn Para Bn., sworn, states:-

"On the night of 19th August 1943 at around midnight I was proceeding from Amesbury back to camp. I was accompanied by Pte. Tolmie. We were coming down by the A.T.S. barracks there. There was a group of Canadian soldiers and a British soldier and A.T.S. girl about the width of the street from us, about twenty-five feet. They seemed to have words together. One of the group broke away from the group of Canadians and went over to the side where the British soldier was and they got into a tussle together. One got knocked down and one was on top. I went over. It was Pte. Lee. I tried to part them. I could not do anything about it so I walked away a piece but they broke up and left then. I went over to where the A.T.S. girl was with my chum on the side of the road. The English soldier came over and we were talking there for a while and he was in pretty bad shape so then we left them and came back to barracks. I recognised Lee and Lanthier. I saw blows being struck but could not tell who was striking who. After the fight was over the English soldier came over to where Pte. Tolmie and the A.T.S. girl were and I saw three stripes on his sleeve."

Cross-Examination.

Until after the fight I did not know the English soldier was a Sgt. You could tell by his accent that he wasn't a Canadian. It could be possible that the man on top of the British Sgt. was not hitting the British Sgt. I could not make much out of it while the fight was on.

By the Court.

Lee is in the same Bn as I am. We are in the same company but not in the same platoon. I have known him for about six months. I can

(P.T.O.)