

Second and third Charges

L 10003 Gnr Axtell, N.R.

R.P. 86(B) complied with.

1st Witness for prosecution. E 0147 Sgt. Porrell, O.J., 2nd Lt. A.A. W/S Sub Sec R.C.O.C. attached to 89th Bty., 1 Lt. A.A. Regt., R.C.A. having been duly sworn states :-

I, Sgt. Porrell, on the night of 29 Aug 42 at approx 2130 hrs was busy with R.P. Duty when a call came through saying there was trouble at the Burrell Arms Hotel. On my arrival there into the public bar I saw Gnr Axtell and Gnr Munro with their tunics off and hats off and Gnr Munro was having an argument with the civil police. Gnr Axtell was leaning up against the counter in a drunken condition. I told them to get out and they left. Gnr. Munro, on leaving, said to the civil police. "Come down our way and I will show you how tough we are." After they left I got a verbal statement from the proprietor.

Cross Examined.

Gnr. Axtell was noticeably drunk by his general appearance and manners also in the position he took up at the counter. On my arrival at the pub the two accused were in the public bar. I didn't notice any broken windows in the pub.

Re examined.

Q.1 There was no physical force required to remove the two accused.

A.1 The proprietor did show me some damage, broken glasses and a table. I don't know how many glasses. They were awapt up in a heap.

Q.2 What are your duties as R.P. towards a drunken man?

A.2 There were no orders given to me on my departure as to what to do with a drunken man.

Q.3 As an N.C.O. do you feel you hold any responsibility towards drunken men?

A.3 I don't feel any.

Q.4 Did Axtell do or say anything which would make you think he was drunk?

A.4 No.

DEFENCE

Q.1 What makes you think he was drunk?

A.1 I feel I can estimate the drunkenness of a man by looking at his face.

Q.2 In the Summary of Evidence you have stated a struggle took place in the evidence you state no physical force was needed. Which is correct?

A.2 Physical force was used.

Q.3 Who supplied the physical force?

A.3 Myself.

By the court.

Q.1 You state in answer to a question by the defence that no physical force was necessary to eject the accused. Later you state that physical force was necessary. What do you mean?

A.1 That I had to use force to get through the crowd to get the accused their coats and also clear a passage for them to get out by but I do not mean I had any physical struggle with the accused.

R.P. 86(B) complied with.

2nd Witness for prosecution. Police Sergeant No. 70 Bishop, Cyril, East Sussex Constabulary, Haywards Heath, Sussex having been duly sworn states :-