

WITNESSES FOR THE PROSECUTION

FIRST WITNESS Pte McDonald K. F24466 having been duly sworn states:

I am Pte McDonald K. F24466 of No 7 Provost Coy, I recognize the accused. On the night of 7 Nov 44 while on patrol in the city of Ghent, I was proceeding in a Jeep along Brabantian Straat when I saw three soldiers walking along the street, one of which was carrying civilian clothes, whom I now know to be Pte JONES. I approached the three soldiers and asked Pte Jones where he had got the clothes. He informed me that he had found them on the street. Then I asked the three soldiers to come with me in the Jeep to H.Q. for further investigation. The I turned them over to the Orderly Cpl, and a list of the clothing was taken and the case turned over to the S.I.S. There were seven Ladies' dresses, two light cloth coats, 2 bottles of Cognac, 2 bottles of Picon Liqueur, I am sure that it was Pte Jones who had the clothes and the liquor.

While the three soldiers were in the Orderly Room they were very noisy and did not want to be questioned by the Provost. I was standing at the Orderly Corporal's desk when a fight started between one of the other soldiers and L/Cpl Estabrooks of the Provost. The soldier was named either Brush or Bush. I immediately interfered and while doing so Pte Jones picked a bottle of ink off the desk and threw it at me, I ducked, the bottle missed me but the ink splashed over my uniform. At that time one of the other Provost grabbed Pte Jones and quieted him down. The soldiers were then taken to 11th Bn guardroom. I am sure that Pte Jones was the man who threw the bottle at me.

CROSS-EXAMINATION BY THE DEFENCE

Q About what time did you find them walking along the street?

A Approximately 2300 hours.

Q Is it not a fact that the clothing was lying on the street when you approached Pte Jones?

A No sir I saw him drop it on the street.

Q Have you ever tried dropping bottles of liquor on the street?

A The clothing was dropped on the street.

Q. Have you ever ~~been~~ been carrying all the mentioned articles and tried to drop just the clothing?

A The liquor was inside his tunic.

Q How far were you from the accused when you first noticed him?

A About 20 feet.

Q Were you driving the Jeep?

A No sir.

Q Did you speak to the driver when you saw them?

A Yes I said there's a soldier carrying something.

Q Did you turn your head to the driver when you spoke?

A Yes sir.

Q Were the articles on the ground before you got out of the Jeep?

A No Sir.

Q Were there any civilians or other people on the street?

A Not that were really close.

Q Are you prepared to swear beyond shadow of a doubt that no other person other than Pte Jones had these articles in his possession when you saw him on the street?

A Yes sir.

Q When you first saw Jones and his friends did the lights of your Jeep shine on them and bring them to your attention.

A Yes Sir.

CGK