

FIRST WITNESS FOR THE PROSECUTION ON THE 5TH AND 6TH CHARGES.

13017616 Sgt. Wallace H., 506 Coy. Pioneer Corps, sworn, states:-

"At approximately 2325 hours on the night of 19th August 1943 I was proceeding down the main road towards Ward Bks to Sandhurst Block when I was suddenly set upon by four men. I recognised the men's epaulettes as Airborne Canada. I never spoke to the men, they just set about me. I recognise the accused before the Court as being one of the men. I have stated at the first Summary of Evidence taken in this case that I could not identify the men. At that time I was in a dazed condition but when I came to this unit and saw the men suddenly it flashed back on me and I recognised them. At the time I made the statement on the first Summary I had not had an opportunity of identifying the men but I have now had that opportunity."

Cross-Examination

"The first I saw of the three men, one of whom is the accused, was when I was taken by the Adjutant of the unit into a room where they were and I recognised them then. I did not have an opportunity of picking them out on an identification parade of the unit. I was attacked by four men, but how many hit me I can't say. The fourth man if my memory serves me correctly was a witness in this case tonight. I do not know his name."

By the Court.

"The place where I was set upon on the night of 19th August 1943 was not on the road between Amesbury and Carter Camp. It is on the same road as the A.T.S. barracks. The four men were coming in an opposite direction to that to which I was going. We met. I received a blow on the right eye and knocked to the ground and also a blow over the heart. I fell to the ground. I was hit several times while I was on the ground. The men were not making any noise as they came along to me and I was not on my guard at all. I was alone. I was not knocked unconscious. The men left me, I do not know in which direction they went. I went home to my billets and went to bed and reported to the R.S.M. of the R.A.S.C. where I am working, in the morning. I did not fight back at all. I was out and useless to put up a show against that number of men. I did not hear any talk while they were beating me. It was approximately ten minutes from the time they first hit me until they left. They were beating me all the time. Perhaps my estimate of the time I was being beaten was too long as when you are being beaten it seems a hell of a time. It wasn't a clear moon-light night but I could discern the figures. It was as dark that night as it is tonight. It had been out in the dark about twenty minutes."

The evidence is read over to the witness.

The case for the prosecution on the 5th and 6th charges is closed.

President to the accused:-

"You will now proceed with your defence. You may, if you wish, give evidence yourself on oath as to the facts or your character or both, in which case you will be subject to cross-examination. You may, however, make a statement without being sworn, and you will not be subject to cross-examination. But a statement which could have been made on oath will not carry with the Court the same weight as sworn testimony. You may call witnesses in your defence and as to character, whether you give evidence or make a statement or do neither."

President to the accused:-

"Do you wish to give evidence yourself as a witness, make a statement, or do neither?"

Answer:-

"Give evidence as a witness."

(P.T.O.)