

FIRST WITNESS (CONTINUED)

- less goes against what your statement in the Summary. In the Summary you said that you commanded Pte Reid to give his pass and you said here that it definitely was not an order?
- Q. Sir, when I approach a man I request to see his pass.
- A. Yes sir.
- Q. He refused?
- A. Yes sir.
- Q. He kicked you in the forehead, so you think that was a direct assault?
- A. Yes sir.
- Q. Did you or any of your companions at any time strike the accused?
- A. Yes sir, I would say we did in the battle of getting him from Victoria to Store St.
- Q. When you ask a man for his pass or order a man for his pass are they in the habit of refusing?
- A. Lately sir.
- Q. What do you account for that?
- A. Well, I figure it is an attitude the soldiers have taken since being back to this country.
- Q. Are they in the habit of striking NCO's?
- A. No sir I would not say that.
- Q. Would a sober or drunk man strike an NCO?
- A. No sir.
- Q. Would a man prejudice his return home when he was not drunk?
- A. No sir.

IN THE OPINION OF THE COURT IT IS NOT NECESSARY TO COMPLY WITH RP 83(B).

SECOND WITNESS

No. M. 2372 L/Cpl BILTZ G, No. 6 (Area) Prov. Coy, sworn, states:-

On the night of 2 Oct 45 at approximately 2300 hrs I was on patrol with Cpl Clark in Victoria area when we saw Tpr Reid urinating against the wall of the Victoria station. The street was well lighted by the light of the busses and the street-lamps across the street. Cpl Clark approached Tpr Reid and ordered him to stop urinating, which he did and turned around. Cpl. Clark asked him for his pass and he made a remark that he wouldn't show any fucking provost his pass. He started into use profane language and call us various names, at this time a considerable crowd had gathered. Cpl Clark told Tpr Reid to get into the jeep, he was under arrest and there was some scuffling. He refused to get into the jeep, he was trying to get out of the jeep. Cpl Clark took hold of him and tried to put him in, finally with the help of the driver they got him into the jeep. I got in the back with him. I saw Tpr Reid kick Cpl Clark and then I saw Tpr Reid and Cpl Clark struggling on the sidewalk and wrestling. He was put in the jeep and struggled all the way to Store St barracks.

- Q. Was Tpr Reid ordered into the jeep by Cpl Clark or by yourself?
- A. Cpl Clark told him he was under arrest and to get into the Jeep.
- Q. And that was an order?
- A. I should say so sir.
- Q. Were you under the impression that Cpl. Clark ordered Tpr Reid to produce his pass?