

- Q. Was the accused creating any disturbance in the Inn?
A. No.
- Q. As far as you know he came out of the Inn voluntarily?
A. Yes.

IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COMPLY WITH RP 83(B).

SECOND WITNESS

D.125439 L/Cpl LAPOINTE, J., 6 Cdn Provost Coy, Cdn Provost Corps, having been duly sworn, states:

At approx 2100 hrs on 8 Jul 44 I was near the entrance of the Feathers Inn in company with another L/Cpl of the Provost Corps when Lt Stephen approached me and asked me to go with him. We proceeded inside the bar of the pub where one Cpl and 2 Tprs of the CAC were standing drinking beer. Lt Stephen told them that the proprietor of the pub said that he did not want them in the pub, so they refused to go out. Lt Stephen asked them the second and third time, I heard him, and they refused, the Cpl said that Lt Stephen had no right to take them out of the premises, so without any result I was ordered by Lt Stephen to put them under arrest and to take them out of the premises. I approached the Cpl and asked him to leave without further delay. They still refused, so Lt Stephen ordered me to go and get some assistance. I proceeded down the street in Laleham where I saw 5 other members of the Provost Corps and brought them back to the Inn. When we arrived at the Inn the 3 soldiers were standing in front of the Inn outside. The accused whom I now recognize was one of the three. Lt Stephen ordered us to put them under arrest and to take them away from the premises. L/Cpl Carroll and myself approached Tpr Raean and asked him to come with us, but he refused and I grabbed him by the arm and L/Cpl Carroll took the other arm. He said he would not come but to wait and let us fix this thing right here. When we took him by the arms he started to push his arms to get rid of us. This lasted 5-10 mins, so finally we overpowered him and proceeded down the street and he was struggling until about half way down to the Police Box.

CROSS-EXAMINED

- Q. In the Inn did the accused say anything?
A. No.
- Q. When did you say you placed the accused under arrest?
A. Inside Lt Stephen told me to put them under arrest but I did not attempt to do so. I put the accused under arrest before the fight outside. I just told him to come with us first. In the pub I didn't ask him to leave.
- Q. How terrific a struggle did he put up when seized?
A. Just threw his arms about.
- Q. Much difficulty in restraining him?
A. No, Sir.

IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COMPLY WITH RP 83(B).

THIRD WITNESS

L.106550 L/Cpl CARROLL, D.J., 6 Cdn Provost Coy, Cdn Provost Corps, having been duly sworn, states:

At approx 2100 hrs 8 Jul 44 I was walking down the street in Laleham accompanied by 2 L/Cpls. We were approached by L/Cpl Lapointe and as a result of our conversation we proceeded to the Feathers Inn. On arrival there I saw 3 members of the CAC and Lt Stephen near the Feathers Inn Public House. The accused was one of the 3 whom I recognize now. I and L/Cpl Lapointe approached one of the Tprs. I told the accused to come along with us as it was an order of the officer, saying "you 137