

Note D. 1.

First  
Witness B-37215 Cpl. Price. E. 4 C.I.R.U. sworn states:

On Oct 20. 43. I was left in charge of Field Punishment. <sup>5:45</sup> I recognized the accused. At 10:30 hours 20 Oct 43, I called the F.P. boys down for supper. I called them to attention. They all came to attention except the accused. Upon which I said I have called you all to attention, and the accused said "Oh So fuck yourself". I then saw Pte Sanders of the R.P. standing in the guard room door. I ordered him to bring two men out to put Pte Smythe under close arrest. Pte Smythe then stepped out of the ranks, dropped his mess tin & took a couple of amsheds at me. Then the two men came out to take him in custody. He beat me around the neck then. L/Cpl McConville came out and took him away. He struggled with L/Cpl McConville and made a couple of strikes at him. He got away and stood up against the wall and defied anyone to take him in. Sgt. Harvey, the Provost Sgt. ~~then~~ then took him into the guard house.

Cross Exam:

I gave the order - Squad - Attention.

~~It~~ obeyed except the accused. In

~~the~~ he said "Oh So fuck yourself"

I was standing practically in front of him. Pte Sanders said on summary that he heard me say, "Who said that?"