

Q When had you been up the last time to your room before you discovered the theft?

A In the late afternoon.

RE EXAMINATION BY PROSECUTION

Q Was the red jacket and scarf returned at exactly the same time?

A I collected it at the same time.

Q Why did you not report it when they asked for a list of the things that had been stolen?

A I had not noticed that the red jacket was missing.

Q Were the red jacket and scarf stolen at the same time as the other things?

A Yes.

R.P. 83(b) has been complied with.

The Prosecution asked for an adjournment until the fourth witness for the Prosecution could return from Leave in England. The adjournment was granted until 1000 hours Monday Feb 12th, 1945.

FOURTH WITNESS

C31009 Sgt Sherwood, J.A. of No 1 SIS Cdn Pro Corps having been duly sworn states:

"I am C31008 Sgt Sherwood, J.A. I recognize the accused. On 7 Nov 44 at about 2230 hrs I was informed that the Cafe "Au Pae Fleuri" in Ghent had been broken into and articles of clothing were stolen. I went to the Cafe where I interviewed Madame Beyst and she took me to the room that had been broken into where I found that the top panel of the door leading into the room had been pushed in. On entering the room I noticed that the wardrobe was open and it contained a few articles of clothing. The doors of the wardrobe had been forced, thereby breaking the lock. Madame Beyst gave me a list of articles as follows, ten dresses, two ladies suits, two light cloth coats, one As trahan fur coat, five bottles of Picon, 4 bottles of Pernod, 4 bottles of Cognac and five other bottles of various liquors that had been stolen. On returning to the Provost det, Cpl McDonald handed over to me 7 ladies dresses, 2 light cloth coats, 2 bottles of cognac and 2 bottles of Picon. These articles were later identified by Madame Beyst as her property and were at the same time returned to her. I interviewed the accused on the morning of 8 Nov 44 as he was charged with improper possession of these articles. I cautioned him that he need not say anything unless he wished to do so, but that whatever he did say would be taken down in writing and might be used as evidence. He then volunteered the following statement. "In the evening of 7 Nov 44 I was with Cpl Dodds and Pte Brush, we went into a Cafe of which I donot know the name, I have never been there before. Cpl Dodds and Pte Brush, were first out and I followed them, when I was out in the hall inside the main door I saw a lot of Ladies clothes and underneath these were four bottles of liquor. I picked up the clothes and the bottles and carried them outside. I met Dodds and Brush and we walked down the sidewalk. We went to another Cafe, was there for about 5 minutes, I was still carrying the clothes and some of the liquor. We went outside again and I gave a dress to a girl who I had never seen before. The Provost jeep arrived and took us to their office." There was a red jacket in the clothes with the other clothes but I do not remember a scarf. Madame Beyst never gave us any information as to the red jacket. There was a list of the articles, made by me after I had checked the parcel.

Cross Examination by the Defence.

Q You stated that the articles turned over to you were seven ladies dresses, two clothe coats, five bottles of liquor, Is that the exact list of articles you received?

A Yes.

Q Do you know the difference between a dress and a ladies tailored suit?

A Yes.

Q Are these the exact articles that were later turned over to Madame