

identify the A.T.S. girl. I saw her a few minutes ago going out of this room. As I came along I saw a man and girl whom I now know to have been the A.T.S. girl Stephens and Sgt. MacIntyre. They were walking down the road followed by four Canadians at a distance of about twenty-five feet. There was talk going on between Sgt. MacIntyre and the Canadians. I do not know what the conversation was. A saw a man from the group of Canadians break away from the group and go up to Sgt. MacIntyre. They got into a tussle together. I ran over to them. When I got there Lee was on top of the Sgt. The Sgt. was on the ground. There were no blows being struck at that time. I grabbed hold of Lee by the back, I shook him and told him to get up and leave him alone. I could not get him off. I went over to the A.T.S. girl where my chum was and Lee and Sgt. MacIntyre seemed to part then. The Sgt. Came over to where we were and we talked for a few minutes and proceeded to camp. Lee and the others went down the road toward the camp."

The evidence is read over to the witness. He makes the following correction:-

"Where the evidence says Sgt. MacIntyre and the A.T.S. girl were walking down the road they were standing still at the time."

THIRD WITNESS FOR THE PROSECUTION ON THE 3RD AND 4TH CHARGES

B 76766 Pte. Tolmie J.B., 1 Cdn Para Bn, sworn, states:-

"On 19th August 1943 between the hours of 2330 and 2339 I was proceeding home from Amesbury to Carter Bks accompanied by Pte. MacNeil. As we drew opposite the A.T.S. barracks in Bulford Camp I came across two groups. One was a group of four soldiers and one was a group of a soldier and a girl. As I was directly opposite the group of four soldiers one of them broke away and ran back toward the soldier and the girl. At the same time the girl broke away from the soldier she was with and started to run down the road toward from whence the soldier had come. At the same time the girl broke away from the soldier she started to run down the road from whence the four soldiers came. She started to cry so I went on the road to meet her. I walked over the side of the road to her. At the same time the remaining soldier of the group of four proceeded to follow the first man. I turned around and there was a group of soldiers who were apparently fighting on the ground. This apparent fight broke up in a very few seconds. The four soldiers walked down toward our barracks. The remaining soldier which was in the centre of the road got the A.T.S. girl and left. Pte. MacNeil and I also left. That's all sir."

"I could not recognise any of the assailants. I wasn't any closer than fifteen feet to the person who was assaulted. After the fight I was within five feet of him and I did not see any stripes on his arm."

Cross-Examination

"From what I could see I could not definitely state there was a real fight. It lasted only a very few seconds. I was fifteen feet away and I could not recognise anybody. The moon was overclouded and we were on a street with fairly tall buildings on both sides. At no time during the fight did I know that the British soldier was a Sgt."

The evidence is read over to the witness.

The Prosecuting Officer informs the Court that Sgt. W. MacIntyre, a witness whose evidence is contained in the Summary of Evidence, is not at the moment available as a witness, that he is informed and believes that Sgt. MacIntyre is in a hospital at Shaftesbury, about thirty-five miles from the Court, that he has been recently operated on for hernia and will not be available as witness for ten days. The Prosecuting Officer states that he requires the attendance of Sgt. MacIntyre to prove that he actually is a Sgt.

The Defending Officer states that in order to facilitate proceedings

(P.T.O.)