

FIRST WITNESS FOR THE PROSECUTION

The Witness Madame Simon having been duly sworn states: (through interpreter)

I am Gustavie Simon (waitress) of 29A Rue Edgar Tinel, Brussels, employed at the Cafe. The Accused was having a drink in the cafe on or about the 25 Nov 44 and I invited him to my home. He came with me for dinner there. I gave him my visiting card and invited him back for the next day. The next day the accused when I recognized showed me and asked if he could spend the night. I said yes and he came about 9 O'clock. The next day I had to leave for work early and the accused asked me if he could sleep in. I said yes. I left my key with him in order to get in and out. I left him alone in the house about 0930 hrs. He the accused was to bring the key to my place of work. My husband had left for work at 0645 hrs that morning and Mrs Gilberte Libert left for work at 0730 hrs. She has lived with us since the start of the war. At about 1230 hrs the accused showed me and thanked me for the hospitality. Between 1400 and 1415 hrs the accused came to the cafe and gave me the keys. He was drunk he left, promising he would return at 1645 hrs to take me home. I waited for him until 1730 hrs and then walked home with Mrs Gilberte Libert. When I arrived home I wanted to light the fire but the stove was damp, a bottle of wine had been spilled the visiting card I had given the accused was in the stove. Gilberte went in to the dining room and called me saying the buffet had been damaged and the money in a box there was gone. There was about 475 francs, two english coins a one shilling and a two shilling piece. The accused had previously seen where I had put the money because I had given him a 5 franc piece from it as a souvenir. He had drunk the cognac from there and I replaced it with wine. There was a cigarette case, a hundred franc note, a razor and some plates, a tube of toothpaste, and a watch of my husband's and a bracelet made up of foreign coins. (Objection by defense as to bracelet - declined) I identify Ex A, Ex B, Ex C, Ex D, Ex E, Ex F, Ex G, Ex H, as property of both me and my husband.

Were these items you have just identified in your home on the morning you left the accused alone and these items were not in the house when I returned it is then, on returning that I found them missing.

Cross-examination by Defense.

Question: You drunk was the accused when he returned the keys.

Answer: He was talking loud and when he stood up to leave he was very drunk.

Question: How much liquor had he drank from your home.

Answer: About 1/2 Litre Cognac and 1 Litre wine.

Question: Did you believe he could help himself to the extra liquor

Answer: On Saturday I had bought two bottles wine one for Saturday and one for Sunday. They did not have my permission to drink.

R.P. 83 (F) Complied with

SECOND WITNESS FOR THE PROSECUTION

Mr. Edward Simon (Foreman) having been duly sworn states (through interpreter)

I am Edward Simon (Foreman) of 29A Rue Edgar Tinel Brussels. The accused when I was guine stayed at my home on the night of 26-27 Nov 44 when I left for work on the morning of the 27th, my wife and the accused were in the house. When I came home from work that evening there was no one there. I went to light the fire and in the stove was a piece of bread and a writing card. My wife came in with Mrs Gilberte. Mrs Gilberte went into the dining room and called my wife saying that the buffet had been damaged. When I saw this I picked up the visiting