

he will admit that the person who is described in the evidence of Pte. Stephens as Sgt. MacIntyre is No. 13004391 Sgt. MacIntyre W. of the 244 Coy. Pioneer Corps.

The Court considers and decides to accept the admission and so announces.

The case for the prosecution on the 3rd and 4th charges is closed.

President to accused:-

"You will now proceed with your defence. You may, if you wish, give evidence yourself on oath as to the facts or your character or both, in which case you will be subject to cross-examination. You may, however, make a statement without being sworn, and you will not be subject to cross-examination. But a statement which could have been made on oath will not carry with the Court the same weight as sworn testimony. You may call witnesses in your defence and as to character, whether you give evidence or make a statement or do neither."

President to accused:-

"Do you wish to give evidence yourself as a witness, make a statement, or do neither?"

Answer:-

"Give evidence as a witness."

President to accused:-

"Do you intend to call witnesses on your behalf?"

Answer:-

"Yes."

President to accused:-

"Are they witnesses as to character only?"

Answer:-

"No."

FIRST WITNESS FOR THE DEFENCE ON THE 3RD AND 4TH CHARGES

The accused, B 73846 Pte. Lee M.N. having been previous sworn states:-

"On 19th August 1943 at about 1130 p.m. I was walking down the road on the left hand side while Paisley and Lanthier were walking on the right hand side. We were walking in the direction from Amesbury to Carter Bks, when suddenly I heard some voices and I saw some shadows, the shadows of a couple of soldiers on the right hand side of the road, of which I presumed one of them was Lanthier, and I waited for a while for Lanthier to continue on down the road and they were still conversing together. The conversation of which I could not hear. I then decided to walk over and find out what the trouble was. I had just reached them when I was attacked from behind by someone I could not recognise or did not see, and he pulled me to the ground, at the same time trying to kick me. While we were on the ground he still continued to try to kick me. We were in a position facing each other, half lying and sitting on the ground. He was trying to kick me and I grabbed his feet and put a lock on him during which the toe cap of his shoe broke. I was pulled off by a couple of soldiers whom I recognised later as Lanthier and Paisley and as we were walking down the road the person whom I had the encounter with made the remark of getting me tomorrow. I then broke away and I grabbed him by the sleeves, and then I am not just sure of whether he fell or