

Question by the defense.

Q.- Do you know the accused ?.

A.- No sir.

Q.- Did you see the accused on the night of February the 14th at any time ?.

A.- I can not say that I did.

Q.- Did you see the accused hit Thibault ?.

A.- I did not see no hitting at all.

Q.- Did you see Morrison kick Thibault ?.

A.- I can not say as I did .

Q.- How far from Thibault at the time of the fray ?

A.- About ten yards.

Q.- You were then not more than twenty five yards ?.

A.- Yes sir.

FOURTH witness for the prosecution F.40362 Pte McNeill G. (F.N.S.R.) is sworn in and the charges against the accused read by the prosecutor.

Question by the prosecution.

Q.- In giving evidence that you are with the accused at that night, would you tell the court what happened ?.

A.- I was in Wallingham on the night of February the 14th. I met there Morrison Smith and Mc Donald, we had quite a few drinks together, and do not remember after leaving Wallingham as I was pretty drunk at the time. I did not know about any fight till I was told about it in my company area the next morning.

Q.- Will you be able to say whether the accused ~~XXXXXXXXXXXX~~ was drunk at that time ?.

A.- Well he would feel pretty good when I was with him.

Q.- Do you remember anything about any other disturbances during that evening. ?

A.- No sir.

FIFTH witness for the prosecution F.41625 Pte. Thibault L.J. is sworn in and the charges against the accused read by the prosecutor.

Question by the prosecutor:

Q.- Pte. Thibault would you tell the court what happened on the night of February the 14th ?.

A.- On my way returning home, I was beat up by four or five fellows and I do not know who they were. There is not much I could say, because there is nothing I know about it, too sir.

Q.- Where were you when this beating took place ?.

A.- Somewhere on the hospital road near the bus stop, I should say.

Q.- When had you been with ?.

A.- Pte. Wamboldt, sir.