

30, 1955

In the Privy Council.

No 10 of 1952.

ON APPEAL FROM THE ROYAL COURT OF THE ISLAND OF GUERNSEY

BETWEEN

1. WILLIAM GEORGE QUIN
2. CHARLES ALBERT FRIEND
3. FREDERICK WINZER SHORT
4. ALFRED WILLIAM HOWLETT
5. FRANK HUBERT TUCK
6. FRANK WILLIAM WHARE
7. KINGSTON GEORGE BAILEY
8. JACK HARPER *(Accused) Appellants*

AND

HER MAJESTY THE QUEEN *(Prosecutor) Respondent.*

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INSTITUTE OF ADMINISTRATION
LEGAL STUDIES,
25, RUSSELL SQUARE,
LONDON,
W.C.1.

30, 1955

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In the Privy Council.

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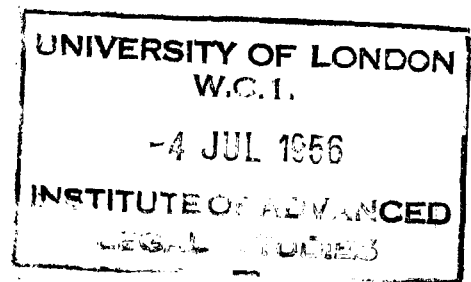
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8. JACK HARPER

(Accused) Appellants

AND

HER MAJESTY THE QUEEN *(Prosecutor) Respondent.*



43606

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30, 1955

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AND

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RECORD OF PROCEEDINGS

No. 1.

Narrative of Events as prepared by Mr. Geoffrey C. Bing, Q.C. and settled by Mr. Frank Gahan, Q.C.

No. 1.
Narrative
of Events.

20 The Island of Guernsey was occupied by the German Forces on the 30th June, 1940. Shortly before the occupation the Lieutenant-Governor was withdrawn by the British Authorities and his duties, other than military duties, devolved on the Bailiff, Mr. (now Sir) Victor Carey, who had been appointed by the Crown in 1935. Mr. Carey was described in official documents as British Civil Lieutenant-Governor of the Island of Guernsey. On the 21st June, 1940 the States, in view of the possibility of German invasion, created an emergency committee called "The Controlling Committee of the States of Guernsey" with power to exercise the executive and

RECORD OF PROCEEDINGS

No. 1
Narrative
of Events

administrative powers of the States in matters requiring early decision. By an order of the Commandant of the German Forces dated 2nd July, 1940 it was provided among other things as follows :—

“ The Civil Government and Courts of the Island will continue to function as heretofore, save that all Laws, Ordinances, Regulations and Orders will be submitted to the German Commandant before being enacted. Such legislation as, in the past, required the sanction of His Britannic Majesty in Council for its validity shall henceforth be valid on being approved by the German Commandant and thereafter sanctioned by the British Civil Lieutenant-Governor of the Island of Guernsey ”. 10

By an Ordinance of the Royal Court, dated 6th July, 1940 any person guilty of any contravention of the German Commandant's orders was made amenable to the penalties prescribed in the Defence Regulations (Guernsey) 1939. Apart, however, from these changes, an attempt was made to preserve the existing constitutional position in the Island. The States continued to function. The then Attorney General and first President of the Controlling Committee, Mr. (now Sir) Ambrose Sherwill, was removed by the German Authorities at the end of 1940 and replaced by Jurat Leale (now Sir John Leale). The Order of the 12th October 1940 printed in the appendix indicated how existing forms were preserved, although Orders by the German Military Authorities affecting the Island were published. 20

In January, 1942 the German Commandant ordered that titles which implied a personal connection with the British Crown should not be used, and, in consequence of this, various formal changes were made in the French titles of the Law Officers and the titles of H.M. Greffier and H.M. Deputy Greffier were altered to the Greffier and the Deputy Greffier. Apart from this no other changes appear to have been affected in the procedure of the States or in the Royal Court.

No. 2.

Decision to establish Controlling Committee. 30

No. 2.
Decision to
establish
Controlling
Committee,
dated 21st
June, 1940

AUX ETATS

DE

L'ILE DE GUERNESEY

TENUS LE 21 JUIN 1940.

Pardevant Victor Gosselin Carey, écuyer, Baillif ; présents : Jean Allès Simon, John Roussel, Osmond Priaulx Gallienne, Arthur Dorey, Ernest de Garis, Cyril de Putron, Aylmer Mackworth Drake, John Leale, James Frederick Carey, écuyers, Messire Abraham James Lainé, K.C.I.E., Dan Alfred Aubert et Arthur Falla, écuyers, Jurés.

Le Révérend Richard Coulthard, Recteur de St. Martin.
 „ Edward L. Frossard, „ de St. Samson.
 „ Kenneth Macartney, „ de St. André.
 „ Basil J. R. Guille, „ de St. Pierre-du-Bois.
 „ Edward F. Wood, „ de St. Sauveur.

No. 2
 Decision
 to establish
 Controlling
 Committee
 dated 21st
 June 1940

Le Très-Rev. Agnew W. G. Giffard, „ de St. Pierre Port.

10 Le Révérend Edmondson N. Greenhow, „ de Torteval.
 „ John H. Finey, „ de la Forêt.
 „ Frank G. Waterbury, „ du Castel.
 „ Grotius A. James, „ du Valle.

Monsieur le Procureur du Roi.

Monsieur le Contrôle du Roi.

MM. C. E. Agnew et } .. Délégués de la Douzaine de St. Pierre-Port.
 P. de Putron }

20 S. A. Candon Délégué du Canton No: 1.
 G. Martineau „ „ No. 2.
 H. D. Ollivier „ „ No. 3.
 W. L. Henderson „ „ No. 4.
 F. Higgs de St. Samson.
 T. Ogier du Valle.
 N. Q. Le Pelley du Castel.
 T. M. Vidamour de St. Sauveur.
 J. Brehaut de Torteval
 W. Priaulx de la Forêt.
 C. B. Blampied de St. Martin.
 F. J. Warr de St. André.

30 M. William H. Arnold
 Dlle. Marie L. M. Randall
 MM. William Kilshaw
 Frederick T. Hill-Cottingham } Députés pour le District No. 1.
 Edward Thomas Wheadon
 Stamford C. Raffles
 John Griffiths

Wilfred J. Corbet
 Richard H. Johns
 Thomas Ozanne } Députés pour le District No. 2.
 Charles H. Cross
 Arthur L. Burgess

No. 2
Decision
to establish
Controlling
Committee
dated 21st
June 1940

William R. F. Clarke	}	Députés pour le District No. 3.
Cecil W. Arnold		
Stephen Rabey	}	Députés pour le District No. 4.
H. G. Stephenson		
Walter J. Sarre		Députés pour le District No. 5.

Monsieur le Baillif ayant ce jour convoqué les Etats en assemblée extraordinaire d'urgence.

Les Etats ont délibéré et décidé comme suit :—

1. To create an Emergency Committee to be called " The Controlling Committee of the States of Guernsey " whose first President shall be Ambrose James Sherwill Esquire, which Committee shall have the right and power to do and cause to be done all executive and administrative acts which the States have authorised or could authorise whenever such acts appear to such Emergency Committee to require early decision—notwithstanding that the carrying out of such decisions may override or run contrary to decisions taken by the States or by any other Committee Council or Board of the States and such Emergency Committee shall have full power to pledge the credit of the States to any extent and to draw on the Board of Administration for all its financial requirements. 10

The said Emergency Committee shall consist of three members at least including its president and the president for the time being shall have the right and power from time to time to nominate all the other members of the said Committee and, subject to the approval of the President of the States, to remove them. 20

The quorum of the said Emergency Committee shall be

- (a) the President for the time being and one other member or
- (b) any three members.

The voting by the majority shall be regarded as the decision of the Committee. In case of equality the President shall have a second or casting vote. 30

In the absence of the President the remaining members, or a majority of them, shall appoint one of its members to be President pro tem.

2. To sanction and ratify all expenditure and commitments undertaken in the name of the States since the 16th day of June 1940, with the approval of the President of the States' Finance Committee.

3. That a special vote of thanks be passed to all those who had any part in the evacuation of the children, and that this vote be placed on record.

A. J. ROUSSEL,
Greffier du Roi.

VICTOR G. CAREY, 40
Bailiff.

No. 3.**Order of the Royal Court with the three German Orders to which that order refers.**

No. 3
Order of
the Royal
Court
dated 12th
October
1940

A LA COURT ROYALE DE L'ISLE DE GUERNESEY

LE douze Octobre mil neuf cent quarante par devant Victor Gosselin Carey, écuyer, Baillif, présent : Jean Allès Simon, John Roussel, Osmond Priaux Gallienne, Arthur Dorey, Ernest de Garis, Cyril de Putron, James Frederick Carey, Arthur Falla et Pierre de Putron, écuyers, Jurés.

10 Monsieur le Baillif ayant ce jour communiqué à la Cour trois Ordres faits par l'Autorité Allemande, dans la langue Allemande avec traductions en Français et en Anglais, savoir :—

1. Order concerning the application of German Enactments in the occupied English Channel Islands, dated 23rd August 1940.
2. Order regarding the possession of arms in occupied territory, dated 10th May 1940.
3. Order regarding the introduction of German Penal Law and Penal Provisions in Occupied French Territory, dated 10th May 1940.

20 La Court, ouies les conclusions du Contrôle du Roi, a ordonné que les dit ordres seront enregistrés sur les records de cette Ile et seront publiés dans la Gazette Officielle et affichés aux lieux ordinaires et que copie de ce présent Acte avec un exemplaire de chacun des dits Ordres sera expédié par le Greffier du Roi à Monsieur le Sénéchal de Serk pour être enregistrés sur les records de la dite Ile.

A. J. ROUSSEL,
Greffier du Roi.

No. 3 (i).

30 Extract from the Order-Sheet
for Occupied French Territory.

Publ. A. No. 6, 27.8.40.

(6)
**Order concerning the Application of German enactments in the
Occupied English Channel Islands.**
of the 23rd August 1940.

by virtue of the powers conferred upon me by the Fuhrer and Supreme Chief of the German Army, I order as follows :—

1.

The Orders already issued or issued hereafter by the Commander in Chief of the German Army relative to the territory of the Chief of the Military Administration in France, shall also be similarly valid in and applicable to the occupied English Channel Islands.

No. 3 (i)
Order
concerning
the Appli-
cation of
German
Enactments
in the
Occupied
English
Channel
Islands
dated 23rd
August,
1940

No. 3 (i)
Order
concerning
the Appli-
cation of
German
Enactments
in the
Occupied
English
Channel
Islands
dated 23rd
August,
1940

2.
This Order comes into force on the date of its publication.

For the Commander in Chief of the Army
The Chief of the Military Administration in
France.

3 (ii).

Extract from the Order-Sheet
for Occupied French Territory.

No. 1, 4.7.1940.

No. 3 (ii)
Order
regarding
the
possession
of arms
in Occupied
Territory
dated
10th May
1940

(2).
Order regarding the Possession of Arms in occupied territory
of the 10th May 1940.

10

1. All fire-arms and ammunition, hand grenades, explosives and other war material are to be surrendered.

The surrender shall be carried out within 24 hours (1) at the nearest Field or Local Headquarters, unless other local orders exist. The Mayors (Chiefs of Communes) are held fully responsible for the strict execution of the above. The Commanders of Troops are authorised to grant exemptions.

2. Any person, who contrary to this Order, is in possession of fire-arms, ammunition, hand grenades, explosives or other war material, shall be punishable with death, penal servitude, or, in minor cases, imprisonment.

20

3. Any person who, in occupied territory, commits acts of violence of any kind whatsoever against the German Army or any of its members, shall be punishable with death.

Chief Command of the Army.

(1) that is to say from the Publication or proclamation of this order.

No. 3 (iii)
Order
regarding
the Intro-
duction of
German
Penal Law
and Penal
Provisions
in Occupied
French
Territories
dated 10th
May 1940

No. 3 (iii).

Extract from the Order-Sheet
for occupied French territory.

No. 1, 4.7.1940.

(4).
**Order regarding the Introduction of German Penal Law and
Penal Provisions in Occupied French Territory**
of the 10th May 1940.

30

1.

In so far as an act which is punishable under German Law shall be tried by Military Tribunals or Special Tribunals, German Penal Law shall be applied.

2.
Any unauthorised intercourse with prisoners of war or civilian prisoners in the custody of the German Army or the German Authorities or Officials, shall be punished.

No. 3 (iii)
Order
regarding
the Intro-
duction of
German
Penal Law
and Penal
Provisions
in Occupied
French
Territories
dated 10th
May 1940

3.
Gatherings in the streets, the publication and distribution of leaflets, the organisation of and participation in public meetings, processions and anti-German demonstrations of all kinds, shall be punished. Competent Commanders may permit exceptions.

10

4.
Any person who ceases work with the intention of injuring the interests of the German occupation, who dismisses employees and workmen or who incites others to cease work or bring about a stoppage thereof, shall be punished.

5.
Any person who publishes, in newspapers or periodicals, news which may be injurious to the German Reich or the publication of which shall have been prohibited by the German Military Administration, shall be punished.

20

6.
Any person who listens, in public or collectively with other persons, to non-German wireless broadcasts, or who provides the possibility of such auditions, shall be punished. Such non-German broadcasting stations as may be permitted by the German Military Administration by official notification are excepted.

7.
Any person who circulates anti-German news broadcast by wireless or other anti-German news, shall be punished.

30

8.
This Order comes into force on the date of its proclamation.

The Commander in Chief of the Army.

No. 4
Notice
Published
in La
Gazette
Officielle
dated 12th
November
1940

No. 4.

**Notice published in La Gazette Officielle
on the 12th November 1940.**

NOTICE

IN amplification of my Notice of the 7th and 9th September 1940, the serving of alcoholic drinks of all kinds to Members of the German Armed Forces is permitted in public houses holding a licence from the Civil Authorities.

The service of highly alcoholic drinks, (whisky, gin and similar spirits) to civilians remains prohibited. 10

Nebenstelle Guernsey
der
Feldkommandantur 515.
I.V. (gez.) DR. BROSCHE
K.V.A.

No. 5
Notice
Published
in La
Gazette
Officielle
dated 14th
November
1940

No. 5.

**Notice published in La Gazette Officielle
on the 14th November 1940.**

NOTICE

The favouring of espionage in the Island of Guernsey makes further measures necessary.

By virtue of an Order from District Chief A, all wireless receiving sets of the Civil population will be requisitioned until further notice and deposited into a place of safety. The sets are to be delivered by Midnight on November 20, 1940. Place and time of delivery will be indicated by the Controlling Committee of the States of Guernsey. A label bearing the name and address of the owner is to be pasted on each set by the deliverer.

In case of non-delivery, in virtue of the Order of the 10.9.40. in connection with Para. 1 of Order dated 23.8.40. (Order Sheet Military Administration in France pages 72 and 86) penalties amounting to not more than 6 weeks imprisonment and fines up to R.M. 30,000 may be imposed. 30

The Feldkommandant
signed: SCHUMACHER
Colonel.

11th November 1940.

No. 6.

Notice dated March 18th, 1941 and published in the "Star" on the 19th March 1941.

No. 6
Notice
dated 18th
March 1941
and
published
in the Star
on the
19th March
1941

FELDKOMMANDANTUR 515 _____ JERSEY, MARCH 18th 1941.

NOTICE

ON account of an act of sabotage I order in agreement with the Island Commandant of Guernsey the following:—

- (1) The curfew hour for the civil population is fixed from 9 p.m. to 7 a.m.
- 10 (2) The States of Guernsey have to report daily in writing to the Inselkommandantur, starting on March 19th 1941 until 12 o'clock noon, 60 men, 18 to 45 years of age, who are used in accordance with the Island Commandant's Order for performing guard tasks during night time.

I specially draw attention to the Order of the Chief of Military Administration in France relative to protection against acts of sabotage dated October 10th 1940, and published in the local newspapers on November 28th 1940 and particular attention to the most severe penalties stipulated therein for contravention of supervision tasks.

20

The Field Commandant
(signed) SCHUMACHER
Colonel.

No. 7.

Notice published in La Gazette Officielle on the 27th March, 1941.

No. 7
Notice
published
in La
Gazette
Officielle
dated 27th
March 1941

NOTICE

AS from 27th of March 1941 the sale of alcoholic drinks in all licensed premises to civilians and also to soldiers after 8.30 p.m. is forbidden.

- This order does not apply to the following:—
- 30 "Royal Hotel" and "Hotel de Normandie",
where no alcoholic drinks may be sold after 10.30 p.m.

Guernsey 26th March 1941.

THE ISLAND COMMANDANT.

No. 8
Notice
published
in La
Gazette
Officielle
dated 15th
April 1941

No. 8.

**Notice published in La Gazette Officielle
on the 15th April 1941.**

NOTICE

TOGETHER with this notice, a Proclamation from the Military Commander in France to the population of the British Channel Islands is being published, in which the public is solemnly warned against all acts prejudicial to the safety of the German Troops.

This Proclamation refers to various incidents which have occurred in Guernsey in the course of the winter. 10

The modifications in the provisions relating to fishing, which are mentioned in the Proclamation, do not however affect the prescriptions concerning the practice of fishing in force in Guernsey.

I trust that the population of Guernsey will understand this warning and, with reference to my notice of the 5th April of this year, I would once more call attention to the fact, that, in the event of a repetition of acts directed against the safety of the German Troops, the most severe penalties are to be expected.

The Feldkommandant,
(signed) SCHUMACHER,
Colonel. 20

No. 9
Proclamation
dated 15th
April 1941

No. 9.**Proclamation.**

15th April 1941

Certain incidents have occurred in which, on the part of the inhabitants of the Island, acts have been committed which were against the safety of the Army of Occupation. Those who were guilty have been, or will be, punished according to the decree of Martial Law by Sentence of Death.

In their own interest I warn the Public most solemnly against perpetrating any further acts of this kind. Any person involved in such an act, either as Perpetrator, Participant or Instigator will, upon conviction by Court Martial, without power of Appeal be condemned to suffer the Death Penalty. 30

In view of the present economic situation the recent Prohibition in regard to Fishing has been modified. If, however, this act of leniency is misunderstood, and certain individual and irresponsible elements of the population perpetrate further acts which are detrimental to the safety of the Army of Occupation, the entire population will have to suffer the consequences of the reprisals which will follow.

People of the Island! Your destiny and your welfare is in your own hands. Your Home Interests demand that you should refrain from, and to the best of your power prevent, all such actions which must inevitably be followed by such disastrous consequences.

No. 9
Proclamation
dated 15th
April 1941

The Military Commander in France,
(signed) V. STULPNAGEL,
General of Infantry.

No. 10.

Notice issued by Bailiff.

10 Published in the issue of "The Star" newspaper (printed and circulating in Guernsey) dated the 9th July 1941.

No. 10
Notice
issued by
Bailiff
published
in the Star
dated 9th
July 1941

La Gazette Officielle

Reward of £25.

A reward of £25.0.0. will be given to the person who first gives, to the Inspector of Police, information leading to the conviction of anyone (not already discovered) for the offence of marking on any gate, wall or other place whatsoever visible to the public, the letter "V" or any other sign or any word or words calculated to offend the German Authorities or soldiers.

This 8th day of July, 1941.

Signed Victor G. Carey,
Bailiff.

20

No. 11.

**Notice published in La Gazette Officielle
on the 9th August 1941.**

NOTICE

With reference to my Notice of yesterday regarding assistance to the enemy it is hereby made known that any inhabitants assisting members of the crew of English aircraft in their escape or merely attempting to do so, or who helps them in any other way will immediately be brought before a German Court Martial and punished with death.

30 St. Helier (Jersey),
August 6th 1941.

Der Feldkommandant
I.V.
(sgd.) DEMMLER
Major.

No. 11
Notice
published
in La
Gazette
Officielle
dated 9th
August
1941

No. 12
Broadcast
of Colonel
Britton
to the
Occupied
Territories
dated 31st
October
1941

No. 12.

COPY

Broadcast of "Colonel Britton" to the Occupied Territories.

ENGLISH NEWS TALK

(RELEASE AT 11.15 p.m.
B.S.T. 31/10/41).

FINDING GERMAN WEAKNESSES
(Colonel Britton's Twenty-second weekly talk).

Now here is Colonel Britton to give his weekly talk to the people of the occupied countries.

This is Colonel Britton, speaking to the V. Army.

I want to talk about two things—how the fight is going and how it should go.

I won't waste time talking about the barbarousness of the Nazi regime. You know as well as I do that we're dealing with liars and murderers, with brutes, and that you can't compromise with wild beasts, you must overcome them. So we're concerned not with Nazi wickedness but with Nazi strength and weakness.

Well now, as to how the fight progresses. There was a magnificent demonstration of unity in France today. The French people showed the Germans that the word "collaboration" used so often in Vichy, means not "collaboration with crime—with the Nazis" but "collaboration against crime—against the Nazis".

This French demonstration is an important indication of how the fight is going. It means that the ranks are closing against the Nazis, the chain is tightening.

We in Britain reach out our hands to the French and I know that you do too.

But the French demonstration is also an indication of how the fight **should** progress. You probably know that it was a standstill strike, which lasted for five minutes. Five minutes—it's not very long, but when a nation stands still for five minutes it's more than a demonstration, it's a blow. That five minutes cost the Germans aeroplanes, tanks and guns.

And the Germans are getting short of aeroplanes and tanks as well as men and raw materials.

These are the German weaknesses; it's for you, the V Army, inside the German lines, inside this bloated German body stretched all over Europe, to eat away German strength. You must keep away from the Germans your men, your workers, your food, your metal, paper, cotton and wool, your blankets, your warm clothes, your manufactured articles. Hide them, use them, but keep them away from the Germans.

Don't work in your own country for the Germans. If you have to, go slow. Don't go to Germany to work, above all don't go to German labour camps. If you have to, again go slow.

10

20

30

40

I've said this before. This week, I say particularly, keep your blankets and any woollen materials out of the hands of the Germans.

It'll be very cold in Russia this winter and the Germans have been trying to collect clothing and bedding—blankets and furs—all over Europe for German troops on the eastern front. They've even taken blankets away from their own troops in Norway so that Germans shall not die in Russia.

Well, now all I've got to say is this: keep your blankets and furs away from the Germans and keep all your woollen materials away from them.

10 If you've got blankets or table cloths to spare, cut them up and use them to keep out the draughts or to prevent your lights being seen. Don't let the Germans get them. This will help very much.

In a word. Don't work for the Germans inside your own country. Don't go to Germany to work. Don't let the Germans take your blankets or your warm clothes.

Say to yourself: it depends on me.

And don't forget to listen next week. I'll be talking at the usual time.

Good luck to you.

(TOM, TOM)

20

Certified true copy of script in our possession which is believed to be the script of a talk as broadcast.

R. J. MARSHALL,

For the Solicitor,

The British Broadcasting Corporation.

1st September 1952.

No. 12 (i)

COPY

Broadcast of "Colonel Britton" to the Occupied Territories.

ENGLISH NEWS TALK

(RELEASE AT 11.15 p.m.
B.S.T. 21/11/1941).

30

HINTS FOR HOUSEWIVES
(Colonel Britton's Twenty-fifth weekly talk).

Now here is Colonel Britton to give his weekly talk to the people of the occupied countries.

This is Colonel Britton speaking to the V Army.

The time has come to turn your attention to the German soldiers.

As you know large German armies of occupation are living in your lands and living on you.

I'm talking now particularly to those of you who come in contact with German soldiers.

No. 12
Broadcast
of Colonel
Britton
to the
Occupied
Territories
dated 31st
October
1941

No. 12 (i)
Broadcast
of Colonel
Britton
to the
Occupied
Territories
dated 21st
November
1941

No. 12 (i)
Broadcast
of Colonel
Britton
to the
Occupied
Territories
dated 21st
November
1941

One thing that the Germans like very much is food. And they like drink. And they prefer your food and drink to their own. You should make sure that the food and drink are suitable to people who are uninvited guests.

Many of you do this already I know. I had one letter from a café proprietor who said he could never restrain his chef from spitting on food ordered by German guests.

And why should I restrain him, (wrote the Café proprietor). I do it myself when he has a night off.

I had another letter from the owner of a beer hall in one of the occupied countries. This man said he always kept a bottle of dirty liquid under the counter to pour into the German's beer. 10

I don't think it does them any harm (he wrote). They don't seem to notice it. But it makes me feel better.

Well, I shouldn't care to be a German soldier buying beer from a man like this.

Please don't think that I'm asking you to poison the German soldiers. I'm certainly not. I'm not even asking you to follow the example of the two café proprietors I've mentioned. But I do say this. The V Army is greatly interested in the morale of those German intruders. And food has a lot to do with morale. So do what you can to see that the food which you have to give the Germans is the worst you have and that it's badly cooked in the dirtiest dishes you have. This is a job that women members of the V Army can look after. 20

There are lots of other ways in which you can attack the morale of these creatures of Hitler. Their morale is already dropping, visibly. And after all you can understand it. Hitler's plans are not going well; there's discord between Hitler and some of the Army leaders; the German Army has suffered extremely heavy casualties; those occupation troops are spread out very thin; their wives and families in Germany are getting bombed; and generally they're feeling lonely, anxious and uncomfortable. 30

If you can increase their discomfort and their feelings of anxiety and loneliness you will be doing something of great value.

One practical thing you can do is to watch these German soldiers. When you see a German soldier, especially an officer, it's a good plan to follow him to see where he goes. Find out where he lives and what he does. Find out their names and their regiments if you can. This information may become useful. Write them anonymous letters.

And if you come into personal contact with these German soldiers—many of you have to, I know—ask them questions. 40

Ask them if it's true that there have been four million German casualties.

Ask them if it's right that their regiment is about to be moved to Russia.

Ask them if Hitler was bluffing when he said seven weeks ago that Moscow was about to fall. Or has Moscow already fallen?

Ask them if their families are alright and if they often hear from home.

Ask them about the demand for more babies in Germany. Ask them if they often get leave to go home. How can they have more babies if they don't go home.

I expect you'll think of lots of questions like these.
 Don't think this trivial; it isn't. It's part of the master plan.
 I'll be talking to you again at this time next week.
 Good luck to the V Army.

(TOM, TOM)

*Certified true copy of script in our possession which
 is believed to be the script of a talk as broadcast.*

*R. J. MARSHALL,
 For the Solicitor,
 The British Broadcasting Corporation.
 1st September 1952.*

No. 12 (i)
 Broadcast
 of Colonel
 Britton
 to the
 Occupied
 Territories
 dated 21st
 November
 1941

10

No. 12 (ii)

COPY

Broadcast of "Colonel Britton" to the Occupied Territories.

ENGLISH NEWS TALK

RELEASE AT 11.15 p.m.
 B.S.T. 5/12/41).

V. CAMPAIGN

SLOWER STILL

(Colonel Britton's twenty-seventh weekly talk).

No. 12 (ii)
 Broadcast
 of Colonel
 Britton
 to the
 Occupied
 Territories
 dated 5th
 December
 1941

20 Now here is Colonel Britton to talk to the people of the occupied countries.

This is Colonel Britton.

I've good news for the V. Army.

We've reached a new stage in the master plan to defeat the Nazis.

A stage in which you in Europe can apply even more economic pressure
 on the enemy.

This is a war of many fronts, as you know. There's the Russian front,
 the African front, there's a naval front, an air front, a political front, a propa-
 ganda front, and your front, the V. Army's underground front.

30 On all these fronts the pressure is increasing. You've heard about the
 Russians' brilliant advance in the Rostov area. You've heard about the
 British offensive against the German tank divisions in Libya. You don't
 hear very much about the British Navy's work because the navy works
 silently but I can tell you that the most dangerous place for a German is
 the sea.

On the air front the pressure is increasing steadily and, as Mr. Churchill
 said the other day, the Royal Air Force is now equal in numbers to the
 Luftwaffe and higher in quality.

As regards the underground front, I'd like to quote Mr. Churchill again.
 On Tuesday in the House of Commons, he said:

No. 12 (ii)
Broadcast
of Colonel
Britton
to the
Occupied
Territories
dated 5th
December
1941

“ The year 1941 has seen the major problems of creating war production capacity and manufacturing equipment largely solved, or on the high road to solution. The crisis of equipment is largely over and an ever-broadening flow is now assured.

“ The crisis of man-power and woman-power is at hand and this crisis will dominate the year 1942 ”.

The crisis of man power. In other words, the crisis of production. This is Hitler's weak spot on your front.

And it means that the V Army must go slower still.

During all these months the role of the V army has been a role of passive resistance. We know of course that many of you have been attacking magnificently. Some of you are actually carrying on open warfare against the Nazis. Others have been doing the most valuable sabotage work. But in general the V army, the 200 million people in Europe who continue to fight, has been waiting quietly, preparing for the time when passive resistance should be changed into active resistance. 10

The time has come for “ go slow ” to become more offensive in character. More hindrances to work. More lost tools. More break-downs. More muddles in the office. More lost files and papers. More miscalculations which cause delay. More unnecessary telephone calls and letters sent to wrong addresses. And much less work. The slower you work the quicker you'll win. 20

Everyone of you can find something to do which is anti-Nazi. Try to do something anti-Nazi every day.

In this way the V army can gradually turn to the offensive all along the line.

One more point. The time has come for you to begin to form small groups. Get an understanding with your neighbours and help each other. If a friend of yours is penalised for slacking or if his ration card is suspended, help him as much as you can. These groups—platoons of the V army— will be important later on. 30

And don't forget to do something anti-Nazi every day.

Good luck to you in the beginning of this offensive.

(TOM, TOM.)

Certified true copy of script in our possession which is believed to be the script of a talk as broadcast.

*R. J. MARSHALL,
For the Solicitor,
The British Broadcasting Corporation.
1st September 1952. 40*

No. 12 (iii)

COPY

Broadcast of "Colonel Britton" to the Occupied Territories.

ENGLISH NEWS TALK

RELEASE AT 11.15 p.m.
B.S.T. 19/12/1941.)No. 12 (iii)
Broadcast
of Colonel
Britton
to the
Occupied
Territories
dated 19th
December
1941**TIGHTENING THE SCREW**
(Col. Britton's twenty-ninth weekly talk).

Now here is Colonel Britton to give his weekly talk to the occupied countries.

This is Colonel Britton.

10 I would like first to give a short report on what is being done on the V army's front against the Nazis.

The most openly offensive warfare is being carried on in Jugoslavia, parts of Greece and behind the German lines in Russia and Poland.

In Jugoslavia, an army is operating against the Nazis and Fascists and this army is constantly being reinforced by other Jugoslavs, by Albanians and even by Bulgarians who are rallying to General Mihailovitch's colours.

In Greece the guerillas are on the increase and are doing much damage to Axis communications and outposts.

In Russia and Poland the same.

20 And in all the European countries the shock troops of the V army are beginning to show their presence.

On the underground front sabotage is on the increase. There are the big and dangerous acts of sabotage. A German ammunition stores is blown up. A German troop train is derailed. A petrol dump catches fire.

Then there are the smaller acts of sabotage carried out by industrial or transport workers. Tools disappear. Screws are left loose in engines. Holes are drilled out of centre. Machines are not oiled. Sand is slipped into oil sumps and axle boxes. Railway waggon labels are altered. Sugar or a piece of rubber is put into petrol tanks.

30 Acts like these and many others are being carried out every day by thousands of patriots. And because these acts are so widespread and are so difficult for the Germans to detect until long after, they're causing havoc in the German organisation and extreme anxiety among the Nazi and quisling leaders.

Then there is the "Go slow" campaign, which has reduced production all over Europe and even in Germany itself, without real risk to those who do it.

40 In the administrative life of Europe the V army has also done much to make the Nazi and quisling life a constant battle. Forms are filled in wrongly. The posts are crowded with anonymous letters addressed to local traitors. The fire brigades are called out on false alarms. The police are constantly being worried by trivial complaints.

In the office letters get put into wrong envelopes, or are not posted at

No. 12 (iii)
Broadcast
of Colonel
Britton
to the
Occupied
Territories
dated 19th
December
1941

all. Files disappear and are found weeks afterwards in the wrong place. Figures are added up wrongly.

In the country, crops and livestock are concealed from the enemy, and everywhere metals, clothing materials and food-stuffs are kept back from the invaders. Shopkeepers who collaborate with the enemy are being boycotted.

All these actions and many others are being performed by the V army every day.

The time has come to tighten the screw, to put on a little more pressure.

I'm sure that you who listen to me at this moment are helping in the struggle to free Europe and the world from this nightmare. See if you can do a little more than you're doing. Not you who carry arms, or you who blow up bridges but you who are able to do only the smaller things, to go slow or to hinder the Nazi administration. Try to do a little more. And do something against Hitler every day. 10

The other day I received a poem in Polish. Translated into English it reads like this—

Add all the hours,
Add all the losses in those hours,
Multiply by all the men,
Multiply by all the workshops, 20
Multiply by all the countries
Which are armed with this terrible deliberation.
The result, it's quite simple
The Germans will lose this war
One year sooner.

Good luck to you.

(TOM, TOM.)

Certified true copy of script in our possession which is believed to be the script of a talk as broadcast.

R. J. MARSHALL, 30
*For the Solicitor,
The British Broadcasting Corporation.
1st September 1952.*

21st March 1942.

No. 13
Order
dated 4th
February
1942

No. 13.

Order of 4th February 1942

Amending the Order relating to the Protection against acts of Sabotage.

By virtue of the powers conferred on me by the Fuhrer and Supreme Chief of the Army, I order as follows :

1.

Par. 2 of the Order relating to the protection against acts of sabotage, dated 10th October 1940 (VOBIF p. 108) is to read as follows : 40

“(1) Any person who hides, shelters or in any other way assists escaped prisoners of war or prisoners of war unprovided with certificates of release or leave, or members of enemy armed forces, shall be punished with death.

(2) Shall likewise be punished any person who lends assistance to any other nationals of a country at war with the German Reich with the intention of concealing same from the German Authorities.”

No. 13
Order
dated 4th
February
1942

2.

This Order shall come into force on the day of its publication.

10

DER MILITAERBEFEHLSHABER IN FRANKREICH.

No. 14 (A)

Letter Deputy Solicitor General to the Tribunal of Feldkommandantur 515.

To the Tribunal of Feldkommandantur 515,
St. Helier, Jersey.

May 5th 1942.

RE PROSECUTION OF POLICEMEN.

No. 14 (A)

Letter
Deputy
Solicitor
General
to the
Tribunal of
Feldkom-
mandantur
515 dated
5th May
1942

I have today received your letter of the 29th ultimo with enclosures. I am having the statements translated. As soon as this has been done I shall give them my immediate consideration.

20 You say these statements constitute confessions but I would remind you that if they are denied it will not be possible to use them in view of the fact that your officers before whom they were made would not be available to give evidence before our Court.

I presume that instructions have been given to the Feldgendarmerie to allow my department access to these men whenever required and also that they may be easily available for production before the Court both for Committal and for trial.

(signed) J. E. L. MARTEL
Deputy Solicitor General.

30 **Note—**

The letter dated 29th April 1942 referred to in the above cannot be traced.

S. Sydney Silverman
Appellants' Solicitor.

W. R. J. Hickman & Randall
Respondent's Solicitors.

No. 14 (B)
Letter
Tribunal of
Feldkom-
mandantur
515 to the
Solicitor
General
dated 8th
May 1942

No. 14 (B)

Letter Tribunal of Feldkommandantur 515 to the Solicitor General.

Tribunal of Feldkommandantur 515
To the Solicitor General,
Guernsey.

St. Helier,
Jersey.
8.5.42.

Re : Prosecution of Police servants.
Your letter of the 5.5.42.

In reply to your letter of the 5.5.42, I have noted that the proceedings
against the accused policemen will be started as soon as the statements
have been translated. 10

In the event of the accused denying the admissions made by them to
the Feldgendarmerie, please advise me immediately, as in this case the
Chief of Tribunal (Gerichsherr) will take up the proceedings even as regards
the thefts committed at the expense of the English traders.

(signed) Dr. Biel,
Feldgerichsrat.

IN THE MAGISTRATE'S COURT

In the
Magis-
trate's
Court —

The Indictments (Depositions not printed) in the cases of

No. 15.

20

L'Avocat Général Délégué

v.

Frank Hubert Tuck

et

Kingston George Bailey

No. 15
Indictments
of F. H.
Tuck and
K. G. Bailey
15th May
1942

Le quinze mai mil neuf cent quarante-deux, par devant Quartier Le Pelley,
écuyer, Magistrat.

FRANK HUBERT TUCK fils de Frank William natif de cette Ile agé de
27 ans ou environ ayant été ce jour produit devant le Magistrat par le
ministère de Monsieur Arthur John Langmead, Agysant Inspecteur de la
Police Salariée de cette Ile, étant accusé d'avoir—sur sa propre confession—
nuitamment pendant le mois de Novembre 1941 ou environ, lorsqu'il était
membre de la dite Police Salariée, soit seul ou avec autre son complice ou
autres ses complices, felonieusement avec éffraction et avec force et violence
enlevé les volets qui étaient placés en dehors de et contre la fenêtre d'un
magasin occupé par le Departement des Etats dit "States Dairy" pour 30

la vente de Beurre et de Lait situé sous les Halles dites "French Halls" à la Rue du Marché en la paroisse de Saint Pierre Port et d'avoir ouvert la dite fenêtré qui était fermée au loquet, d'être entré dans le dit magasin et d'avoir pris volé et emporté du dit magasin six livres ou environ de beurre appartenant au dit Département des États.

Après lecture de l'acte d'accusation à l'accuse le Magistrat lui à administré la caution contenue dans l'Ordonnance provisoire du 19 Juin 1937 portant amendement à l'Ordonnance du 18 Janvier 1932 relative à la procedure en Matières Criminelles et en Matières d'enquêtes, et lui à demandé s'il avait quelque chose à dire en réponse à l'acte d'accusation et l'accusé à répondu "I have nothing to add to my previous statement to the Acting Inspector".

In the
Magis-
trate's
Court —

No. 15
Indictments
of F. H.
Tuck and
K. G. Bailey
15th May
1942

KINGSTON GEORGE BAILEY (*formal indictment omitted*):

L'accusé a répondu "I have nothing to add to my previous statement to the Acting Inspector"

No. 16.

L'Avocat Général Délégué
v.
Frederick Winzer Short.

In the
Magis-
trate's
Court —

No. 16
Indictment
of F. W.
Short
dated 18th
May 1942

20 FREDERICK WINZER SHORT (*formal indictment omitted*):

L'accusé a répondu "At that particular time I did not know it was a local store".

No. 17.

L'Avocat Général Délégué
v.
Frank Hubert Tuck,
Herbert Percival Smith
et
Frederick Winzer Short.

In the
Magis-
trate's
Court —

No. 17
Indictments
of Tuck,
Smith,
Short
dated 15th
May 1942

30 FRANK HUBERT TUCK (*formal indictment omitted*):

L'accusé a répondu "I wish to emphasise that I did not know it was an Essential Commodity Store. I corroborate what Smith has said about finding the door unlocked".

In the
Magis-
trate's
Court —

No. 17
Indictments
of Tuck,
Smith,
Short
dated 15th
May 1942

HERBERT PERCIVAL SMITH (*formal indictment omitted*):

L'accusé a répondu "As far as I am concerned I deny being there on the dates mentioned. My recollection of being near the store was round about Christmas time. On that occasion I came past the store and I tried the door and it opened as I turned the handle. Shortly after Short came along with Tuck and their attention was drawn to it; when I saw what was being taken away I left them and went back towards the town. I did not know at that time it was an Essential Commodity Store.

FREDERICK WINZER SHORT (*formal indictment omitted*):

L'accusé a répondu "I did not know it was an Essential Commodity Store. I corroborate what Smith has said about finding the door unlocked". 10

In the
Magis-
trate's
Court —

No. 18
Indictments
of Smith
and
Howlett
dated 18th
May 1942

No. 18.

L'Avocat Général Délégué

v.

Herbert Percival Smith

et

Alfred William Howlett

HERBERT PERCIVAL SMITH (*formal indictment omitted*):

L'Accusé a répondu "Last November while on night duty I do not remember the date, I was patrolling around Trinity Square. I tried various doors in the vicinity when I came across a door of a store which I had tried and found it opened. I later informed Sergeant Howlett of the fact and we both proceeded there and entered the store. There were a number of tins stacked on the floor and we both took 3 tins each. At the time I did not know that the store was belonging to the Essential Commodity. Had I known it was, I would never have taken anything. I have since realised the seriousness of it, and at the time I felt the ration of food I was allowed was insufficient and I gave way to temptation rather than deny or take away food that was needed by my wife and three small children. I plead for the mercy of the Court". 20 30

ALFRED WILLIAM HOWLETT (*formal indictment omitted*):

L'accusé a répondu "In November last about 2.30 a.m. one morning, I do not know the date, I was in charge of the night shift and I was about to go on patrol when Smith said to me "There is a Jerry store open on Trinity

Square if you want anything". I looked on the list of stores at the Police Station and saw that there was no mention of a local store on Trinity Square. This convinced me that this was a German store as Smith had told me. I went through the town with Smith examined all the local shops and stores and found them intact. Arrived at Trinity Square about 3 o'clock, everything was in order there, all local stores, I mean, and when I got to Smith he was just opening this other store door. I went in and picked up three tins off the heap and took them away. That is the first and only time in my career I have been in any store and taken anything. On 7th March 1942 I was
 10 arrested by the Germans, kept in prison a fortnight and taken to Grange Lodge where I was put through a stiff interrogation, amongst the allegations made against me was one that I had entered an Essential Commodity store on Trinity Square. Up to that time the Police had not been notified that the Essential Commodities Committee had a store on Trinity Square. I denied to the Germans that I had been in any local store. I had no inclination to enter any local store and take anything, I was always so careful to see that the local stores were intact and I would not have entered if I had known it was a local store. No local stores were ever entered when I was on night
 20 duty. I have been in the Force for 22 years and a Sergeant for 14 years. I was misled by the fact that Smith told me it was a German store and also that it was not on the list of Essential Commodity Stores at the Police Station "

In the
Magis-
trate's
Court —
No. 18
Indictments
of Smith
and
Howlett
dated 18th
May 1942

No. 19.

L'Avocat Général Délégué
v.
William George Quin
et
Charles Albert Friend

In the
Magis-
trate's
Court —
No. 19
Indictments
of Quin
and Friend
dated 18th
May 1942

WILLIAM GEORGE QUIN (*formal indictment omitted*):
 30 L'accusé a répondu " I did not know it was an Essential Commodities Store, otherwise I should have had nothing to do with it ".

CHARLES ALBERT FRIEND (*formal indictment omitted*):
 L'accusé a répondu " If I had known it was an Essential Commodity Store, I should have never taken part in it "

In the
Magis-
trate's
Court —

No. 20
Indictments
of Smith
and Quinn
dated 15th
May 1942

No. 20.

L'Avocat Général Délégué

v.

Herbert Percival Smith

et

William George Quin

HERBERT PERCIVAL SMITH (*formal indictment omitted*):

L'accusé a répondu " When this offence was committed I was more or less under the influence of Duquemin, and a tool in his hands, the fact is that when the Feldgendarmerie came to my house I handed over the 2 bottles of wine and the £11 in Guernsey notes intact as I had received from Duquemin therefore I had no further interest in the stealing of wine other than the temptation of the money ". 10

WILLIAM GEORGE QUIN (*formal indictment omitted*):

L'accusé a répondu " I have nothing at all to say ".

In the
Magis-
trate's
Court —

No. 21
Indictments
of Quinn
Friend and
Burton
dated 18th
May 1942

No. 21.

L'Avocat Général Délégué

v.

William George Quin

Charles Albert Friend

et

William Burton.

WILLIAM GEORGE QUIN (*formal indictment omitted*):

L'accusé a répondu " I am guilty ". 20

CHARLES ALBERT FRIEND (*formal indictment omitted*):

L'accusé a répondu " I am guilty ".

WILLIAM BURTON (*formal indictment omitted*):

L'accusé a répondu " All I can say is that my two colleagues are not guilty and are afraid to go back on their statement that they made to the Germans ". 30

No. 22.**L'Avocat Général Délégué**

v.

**William Burton
Charles Albert Friend
Frederick Winzer Short
et
William George Quin.**In the
Magis-
trate's
Court —
—No. 22
Indictments
of Burton,
Friend,
Short and
Quinn
dated 19th
May 194210 WILLIAM BURTON (*formal indictment omitted*):
L'accusé a répondu "Nothing at all".CHARLES ALBERT FRIEND (*formal indictment omitted*):
L'accusé a répondu "I have nothing to say".FREDERICK WINZER SHORT (*formal indictment omitted*):
L'accusé a répondu "I plead guilty".WILLIAM GEORGE QUIN (*formal indictment omitted*):
L'accusé a répondu "I have nothing to say".**No. 23.****L'Avocat Général Délégué**

v.

**William Burton
Charles Albert Friend
et
Frank William Whare.**In the
Magis-
trate's
Court —
—No. 23
Indictments
of Burton,
Friend and
Whare
dated 19th
May 194220 WILLIAM BURTON (*formal indictment omitted*):
L'accusé a répondu "I have nothing to say now".CHARLES ALBERT FRIEND (*formal indictment omitted*):
L'accusé a répondu "Nothing to say now, Sir".FRANK WILLIAM WHARE (*formal indictment omitted*):
L'accusé a répondu "I have nothing to say".

In the
Magis-
trate's
Court—

No. 24
Indictment
of Jack
Harper
dated 19th
May 1942

No. 24.

L'Avocat Général Délégué

v.

Jack Harper.

JACK HARPER (*formal indictment omitted*):
L'accusé a répondu " I have nothing to say ".

IN THE ROYAL COURT OF GUERNSEY
ON THE 1st JUNE 1942

In the
Royal
Court —
—
Case of
Avocat
Général
Délégué
v Tuck
and Bailey

TRIALS

of

FRANK HUBERT TUCK
KINGSTON GEORGE BAILEY
FREDERICK WINZER SHORT
HERBERT PERCIVAL SMITH
ALFRED WILLIAM HOWLETT
WILLIAM GEORGE QUIN
CHARLES ALBERT FRIEND
STEPHEN J. C. DUQUEMIN
WILLIAM BURTON
FRANK WILLIAM WHARE
JACK HARPER

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Before : Victor G. Carey Esq., Bailiff.

Jurats : J. A. Simon Esq., John Roussel Esq., O. P. Gallienne Esq.,
Arthur Dorey Esq., Ernest de Garis Esq., J. F. Carey Esq.,
Arthur Falla Esq., and Walter J. Sarre Esq.

20 Attorney General Delegate : J. E. L. Martel Esq.

Counsel for Defence of S. J. C. Duquemin : Advocate W. H. Langlois.

All other accused defended themselves.

H.M.'s ATTORNEY GENERAL DELEGATE : Mr. Bailiff and Gentlemen. I have
typewritten the charges which are coming before this Court in these Police
cases. I suggest passing a copy to each of the Jurats.

(Copies handed to the Jurats).

FRANK HUBERT TUCK and KINGSTON GEORGE BAILEY

H.M.'s GREFFIER read the Cause.

L'Avocat Général Délégué

30 Actionne FRANK HUBERT TUCK fils de Frank William natif de cette Ile
agé de vingt-sept ans ou environ prisonnier dans la Prison Publique—à
le voir soutenir sa preuve en la cause qu'il à contre le dit Tuck—à se voir
adjudger aux peines et punitions imposées par les lois pour avoir le dit Tuck—
sur sa propre confession—nuitamment pendant le mois de novembre 1941

In the
Royal
Court—

Avocat
Général
Délégué
v Tuck
and Bailey

ou environ, lorsqu'il était membre de la Police Salariée de cette Ile, soit seul ou avec autre son complice ou autres ses complices, felonieusement avec éffraction et avec force et violence enlevé les volets qui étaient placés en dehors de et contre la fenêtre d'un magasin occupé par le Departement des Etats dit " States Dairy " pour la vente de Beurre et de Lait situé sous les Halles dites " French Halls " à la Rue du Marché en la paroisse de Saint Pierre Port et avoir ouvert la dite fenêtre qui était fermée au loquet, être entré dans le dit magasin et avoir pris volé et emporté du dit magasin six livres ou environ de beurre appartenant au dit Departement des Etats. Et lui payer ses dépens. Après que par acte du 23 mai 1942 cette cause à été remise pour entendre les temoins et les conclusions de l'Avocat Général Délégué après que le dit Tuck à confessé avoir commis le dit crime et à dit ne vouloir faire choix d'un Avocat pour son Conseil.

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L'Avocat Général Délégué

Actionne KINGSTON GEORGE BAILEY fils de Frederick natif du Comte de Norfolk en Angleterre agé de vingt-cinq ans ou environ, prisonnier dans la Prison Publique—à se voir soutenir sa preuve en la cause qu'il a contre le dit Bailey—à se voir adjuger aux peines et punitions imposées par les lois pour avoir le dit Bailey—sur sa propre confession—nuitamment pendant le mois de novembre 1941 ou environ, lorsqu'il était membre de la Police Salariée de cette Ile, soit seul ou avec autre son complice ou autres ses complices, felonieusement avec éffraction et avec force et violence en levé les volets qui étaient placés en dehors de et contre la fenêtre d'un magasin occupé par le Departement des Etats dit " States Dairy " pour la Vente de Beurre et de Lait situé sous les Halles dites " French Halls " à la Rue du Marché en la paroisse de Saint Pierre Port et avoir ouvert la dite fenêtre qui était fermée au loquet, être entré dans le dit magasin et avoir pris volé et emporté du dit magasin six livres ou environ de beurre appartenant au dit Departement des Etats. Et lui payer ses dépens. Après que par acte du 23 mai 1942 cette cause à été remise pour entendre les temoins et les conclusions de l'Avocat Général Délégué après que le dit Bailey à confessé avoir commis le dit crime et a dit ne vouloir faire choix d'un Avocat pour son Conseil.

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ATTORNEY GENERAL : Mr. Bailiff and Gentlemen. These two men, perhaps I might just run over the charge again for their benefit, these two men are charged on their own confessions with having by night during the month of November 1941 or thereabouts when they were members of the Salaried Police, either alone or with accomplices, broken into and violently removed the shutters which were placed outside of and against the windows of a shop or store occupied by the States Dairy for the sale of butter and milk, situate at the French Halls, St. Peter Port, having opened the window which was latched, of having entered into the shop and of having taken, stolen and removed from the said shop about six pounds of butter. You understand these charges against the two of you?

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THE ACCUSED : Yes Sir.

ATTORNEY GENERAL : Perhaps the prisoners might sit down. I would call the Acting Deputy Inspector. I may want him as a witness.

Deputy Inspector Lamy sworn in.

In the
Royal
Court —

Avocat
Général
Délégué
v Tuck
and Bailey

Mr. Bailiff and Gentlemen. In this case the two prisoners are charged with having by night broken into and stolen about Six Pounds of butter from the Dairy shop at the French Halls. It is believed that the robbery took place during the night of November 17th—18th. They admit stealing six pounds of butter. According to the Daily sheet which was kept by the Dairy the deficiency between the night of the 17th and the morning of the 18th was seven pounds. In case the Court do not know the premises, they are situate at the French Halls. It is a small shop. There is a window and a door. The window closes with a hook and on the latch and every evening at closing time there are shutters placed against the window. Beside the window there is a door which is closed with a yale latch. It is alleged that these two men got into the premises by taking down the shutters and forcing back the latch and then presumably when they got inside placed back the shutters and latch and walked out of the door. Now at that time, the prisoners were members of the Police Force. During the course of investigations into other matters the German Police Force took statements from these men and as a result of these statements, Deputy Inspector Lamy saw both of them in custody when they made certain admissions to him. I propose putting in these admissions. Before doing so, I would like you to hear Deputy Inspector Lamy to know exactly how these statements were taken. Now besides those statements made to Lamy both these prisoners came before the Committal Court and after hearing the charge against them, they were cautioned by the Magistrate and they were told that they could make statements or not, according to their will, and Tuck replied "I have nothing to add to my previous statement to the Acting Inspector". Bailey said "I have nothing to add to the previous statement made to the Acting Inspector". Both same replies. I shall also remind the Court when they were here on the 23rd May they both pleaded guilty to those charges. On the strength of these pleas the Court need hear no further evidence. They can proceed with the conviction straightway. I am quoting from Taylor on Evidence, page 585, paragraph 66, Confessions. I am really at this stage taking all pleas entered to this Court.

"Confessions may be divided into two classes, namely, judicial and extra-judicial. Judicial confessions are those which are made before the Magistrate, or in court, in the due course of legal proceedings; and it is essential that they be made of the free will of the party, and with full knowledge of the nature and consequences of the confession. Of this kind are the preliminary examinations taken in writing by the magistrate pursuant to statute; and the plea of guilty to an indictment, made in open court. Either of these is sufficient by itself to support a conviction, though followed by a sentence of death, they both being deliberately and solemnly made under the protecting caution and oversight of the judge".

Now with your permission, Gentlemen, I ask Sergeant Lamy to come to the Box and tell us about those statements.

In the
Royal
Court —

No. 25.

PROSECUTION EVIDENCE

No. 25
Prosecution
Evidence.
Acting
Deputy
Inspector
A. Lamy

Sergeant Lamy (Called).

ATTORNEY GENERAL: Your full name, please?

A. Albert Peter Lamy.

Q. And you are a Sergeant and Acting Deputy Inspector in the States Police Force?

A. Yes.

Q. Will you tell the Court exactly what action you took with regard to Tuck's statement to you?

A. On the Sunday, 10th May, at Fort George I saw Frank Tuck. I read part of the statement he made to the German Police. I asked him if he had anything to say on it. I cautioned him and he made a statement, Sir.

Q. Is that the statement which he made (shewing Exhibit)?

A. Yes. That's the statement and he signed it "F. H. Tuck".

Q. Now, with regard to Bailey, will you tell the Court what happened there as well?

A. I saw Bailey on the same day and at the same place and he made a statement which he signed in my presence.

Q. Now, did you bring any pressure to bear on these men or offer any inducement?

A. None whatever, Sir.

Q. In both cases you cautioned them before taking a statement;

A. Yes, Sir.

ATTORNEY GENERAL: If the Court is satisfied, I will read these two statements. The first one is made by Frank Tuck.

Frank Hubert Tuck, Les Huriaux, St. Martin's.
Cautioned. States Dairy.

"Sometime during November 1941, I was on night duty with P.C. Bailey. There was always a surplus of butter in this shop. It came to my knowledge that this butter, being surplus, was being exchanged at the German butcher's shop for meat and also that certain persons were able to get butter from this shop when they pleased. I cannot prove this, but I believe it to be true. I took butter from here knowing that no one would go short. We removed the shutters and went in the shop. There was a considerable amount of butter. This was on the weekend. We each took about 3 lbs.

Sometime previously with P.C. Smith I entered the same shop in the same manner. This time we each took about 3 to 4 lbs. of butter. I took the butter home. I would not have taken this butter if I thought someone would go short."

Date 10th May 1942.

Signature F. H. Tuck
Officer A. Lamy A/D/Inspr.

Now the second part of that statement does not relate to this charge but I thought the Court would like to hear the whole of the statement. Now Bailey made this statement. This is his statement.

In the
Royal
Court —

Kingston George Bailey, Les Croutes, St. Peter Port.
Cautioned.

No. 25
Prosecution
Evidence.
Acting
Deputy
Inspector
A. Lamy

10 “Sometime during November, I was on night duty with Tuck. We knew there was a surplus of butter in the States Dairy and that it was being exchanged with the soldiers in the German butcher’s shop for meat and also in the Meat Market. I cannot get definite proof on this matter but I know it is correct. Tuck opened the shutters to see if there was a surplus because we knew that everyone had had their rations. There was about 20 to 30 lbs. of butter in the shop and we took about 3 lbs. each, no more.

As far as I know this was never reported and shows they had a surplus. This is the only time I have been in this shop or any other civilian shop.”

Dated 10th May 1942.

Signature K. G. Bailey
Officer A. Lamy A/D/Inspr.

20 I do not know whether the prisoners would like to ask any questions from the Deputy Inspector ;

THE BAILIFF : Do you wish to ask Sergeant Lamy any questions ?

ACCUSED TUCK : No, Sir.

ACCUSED BAILEY : No, Sir.

(The witness withdrew).

ATTORNEY GENERAL : It is necessary to pass a formal verdict of guilty. I do not propose to go over the matter again. We have their confessions and their statement and I would ask the Court to convict both these men. I do not know whether they wish to say anything in their own defences.

No. 26.

30 Judgment in the case of Tuck and Bailey.

In the
Royal
Court —

THE BAILIFF : They have pleaded guilty. Well, Gentlemen, these two prisoners, Tuck and Bailey, have pleaded guilty but at the same time it is necessary for the Court to pass a formal verdict of guilty in the matter and I ask you if you agree to a formal verdict of guilty.

No. 26
Judgment
in the
case of
Tuck and
Bailey

THE COURT agreed unanimously.

In the
Royal
Court —

No. 26
Judgment
in the
case of
Tuck and
Bailey

ATTORNEY GENERAL : With regard to the sentence I would ask the Court to defer passing sentence and to hear all the cases and pass all the sentences at the same time.

THE BAILIFF : Yes, I think the procedure would be acceptable, then the Court can withdraw and go into the matter altogether.

No. 27.

Statement by Frank Hubert Tuck.

In the
Royal
Court —

No. 27
Statement
of Tuck

ACCUSED TUCK : Can I say a word, Sir ; I do not know if it is permissible. I would like to offer you some explanation as to the reasons for the position we find ourselves in. This is in the nature of a statement. I do not know whether you would like to hear it now or later in the proceedings. 10

THE BAILIFF : Are you concerned in any other case ?

THE ACCUSED : Yes, in one other, Sir.

ATTORNEY GENERAL : Bailey is only concerned in this one case. I do not know whether he wishes to make a statement ?

ACCUSED BAILEY : Yes, I do, Sir. Our statements go together in this case ; our statements were made in conjunction.

THE BAILIFF : You have been found guilty by the Court. If you want to explain your conduct it may have something to do with the amount of penalty the Court would inflict. 20

ACCUSED TUCK : The reason is this. We find ourselves in this humiliating position as Police Officers and we feel, both ourselves, and I would say our colleagues, that it must occur to you that there is a reason for the demoralization of the Police Force which has brought us into this position and we think perhaps it may offer you some explanation in mitigation and also of our colleagues, if you were to know the reasons.

THE BAILIFF : You can only speak for yourself. You cannot speak for your colleagues. If you wish to make a statement, then you can do so now.

ACCUSED TUCK : I want to make this statement. It must occur to you, Sir, that there is some fundamental cause, some basic reason for my downfall. It is a psychological condition which has undermined my integrity and which has led me to be before you today facing a charge which was my duty and one-time honour to guard against. The statement which I propose to make will no doubt be distasteful to you as it is to me and it is with great regret that I make it. It is a public concern and they should know and you should 30

know the reasons for our humiliating position in which we now find ourselves and the stigma which it has placed on the Police Service. I was going to say that as a young policeman I could vouch for the uprightness of several of my colleagues and in respect of devotion to duty and the abhorrence of the crime of stealing. I could make some personal reference to the men who are now standing with me in these cases.

In the
Royal
Court —
—
No. 27
Statement
of Tuck

10 My change of mind occurred when it became apparent to me that certain individuals were immune from Police action and it became apparent that there existed two Laws. The corruption set in with this realisation and the slackening off of sense of duty and other things set in which increased the corruption. This following statement will perhaps allow some measure of understanding which will mitigate for me, for us, in our present position.

I wish it to be known that we were not responsible for the pilfering which had been going on since before the war as it is alleged in certain quarters.

20 The conditions and the reasons, psycholological and physical, which have led to our downfall : Firstly, Sir, at the evacuation I contend that the Police Force proved their metal when they stayed behind to do their duty when it would have been easy to go away ; policemen stayed when their homes had been broken up, and that was my case. I may add that we were not asked to stay, and we were not given an option to go. We stayed on principally to do our duty to the public and had every intention of doing so. Lots of people do not appreciate our position and are sniggering at us and they would do well to stop and think seven days duty with no extra pay, later it was substantially cut and our annual holidays were reduced. Every States employee and shopkeepers, etc. under existing conditions had their hours of work reduced and their holidays increased in many cases. Our hours of duty were the same as before the war and irregular and it was necessary to take a meal and not merely a snack whilst on duty and which
30 had to be provided out of our rations. Collective representation and individual request for more food was turned down. The result, sir, was dissatisfaction, murmuring among the men. The Police have varied duties and have to go out at all hours of the night in the cold and rain. These facts are not generally recognized. I have no doubt that the special Constables and others realize that now. Compare this to office workers : regular hours and meals, commencing at 9 or 10 a.m. and finishing at 4 or 5 p.m. with a liberal lunch hour. We are not provided with tea and biscuits and a Hotel meal. We have felt that we have not been properly considered.
40 May I point out that it has now been felt necessary to increase substantially the rations for policemen and also to increase their pay. This had a demoralizing effect on the Police Force and with other things, the conditions were steadily deteriorating. As policemen we have come in contact with all walks of life and conditions too.

It has come to our knowledge but always without sufficient proof, that regular supplies of food are obtained by those who are able to get it and able to pay. We have heard tales from drivers against employers that some could obtain butter, meat, potatoes, some could have sausages and others could never get them, and here I point out that we were not allowed to do

In the
Royal
Court —
No. 27
Statement
of Tuck

our duty ; we lost the sense of duty, the honour of doing our duty as previously.

P.C. Bailey reported a case of irregular supplies of potatoes to a person of influence. Nothing was done, nothing could be done. I investigated and reported the unusual supply of coal and fuel which was used for the central heating of a house. There was a loophole and nothing was done. There are loopholes that we find which many avail themselves of. This had a demoralizing effect on the Police Force. We have had facilities and opportunities for stealing placed in our way. We find ourselves in the position of a hungry dog guarding the butcher shop. I have endeavoured to place before you the excuse of my moral breakdown. This would not have happened in peace time. We have already suffered much mentally and morally and we will suffer much as a result, in time to come. We stand here, Sir, today because of circumstances and we have failed miserably. I feel, Sir, that making a statement will aid, will do good to the policemen who come after us. I feel it will not be lost. Thank you, Sir.

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No. 28
Statement
of Bailey

No. 28.

Statement by Kingston George Bailey.

ACCUSED BAILEY : I corroborate everything P.C. Tuck has said. There are one or two points in my own case, I would like to explain that conditions are to blame for this humiliating position, after having an exemplary character from the time I left school and after three years of Police service. Inspector Langmead will vouch for my character and work until the time of this. At the time of the occupation, I stayed behind to do my duty as a Police Officer and to stand by the public whom I served at the time I was most needed. It would have been easy to go away at that time and I wanted to go. During that time my colleagues and I were never advised as to what course to take. I put my duty before my wife and children, an action which I have since regretted many times. Then followed the occupation, for several weeks I worked 7 days a week and not the slightest encouragement. Shortly after, our pay was reduced and then our rations. The prices of foodstuffs were rising week by week but we were still expected to do the same hours of duty, still expected to cope with any emergency and uphold my position as Police Officer. States workers had their hours reduced, meals were provided to them, while I had to take a meal to the Station. During the winter 1941—42, conditions became much worse and as a policeman, I came into contact with all walks of life and all sorts of conditions. It came to my knowledge, not always with proof, that people with money and position could obtain supplies of food : tales from drivers who delivered food but who naturally would not come forward to make statements against employers on whom they were dependant for daily bread. They could obtain meat, butter, potatoes and other commodities when they wanted them. I reported an irregular supply of potatoes ; there was a loophole and nothing was done. It became obvious that the rich could live and the poor could starve. We

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applied for extra bread firstly on an Official Form and secondly to Mr. de Putron in person. I went with Le Gallez, one of my colleagues. I was informed to see Inspector Sculpher. I mentioned to Mr. de Putron that Inspector Sculpher would do nothing for us. I reported to Sergeant Lamy the facts and asked to see the Inspector. He replied "It is no good seeing him; he has already put in an application for more bread and it has been turned down." It was impossible to manage on the existing rations and I think you will find that the present Police Force have been granted more bread and pay. We had nobody to turn to for advice. Our Inspector had no interest in his men. He obviously had sufficient. We did not. We had to go out in all kinds of weather with wet feet and very little food; when we returned to the Station there was no fire. We had to steal wood from the German Authorities to have a bit of fire. Compare our position to States workers, regular hours and meals and nights in bed. This brought about the complete demoralization of the Police Force, and there was lack of interest by our Inspector and complete lack of discipline.

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With regard to the States Dairy, we kept observation and noticed that there was always a surplus of butter. Some people had all the butter they wanted and butter was bartered for meat etc. We have stated in our previous statements that Mr. Chilcott could take butter when he wanted and without stating for what. This is only one example. When, through lack of food we gave way to temptation and took the butter, we knew that everybody had had their rations and would not go short.

I think you will agree, Sir, that complete lack of interest by the responsible Authorities coupled with the most trying conditions, has been responsible for the position in which I find myself today. My character, my work, my home, have suffered much, both mentally and physically. It has been said that we have betrayed a public trust. I think it is the Guernsey Police Force that has been betrayed.

30 ACCUSED TUCK: Can I ask a question, Sir?

THE BAILIFF: No. The question of your sentence will come up later.

L'Avocat Général Délégué

v.

Frederick Winzer Short.

Case of
Avocat
Général
Délégué
v Short

H.M. GREFFIER read the Cause.

L'Avocat Général Délégué

40 Actionne FREDERICK WINZER SHORT, fils de George, natif du Comte de Dorset en Angleterre agé de 31 ans ou environ, prisonnier dans la prison publique—à voir soutenir sa preuve en la cause qu'il à contre le dite Short—à se voir adjuger aux peines et punitions imposées par les lois pour avoir le dit Short—sur sa propre confession—nuitamment vers le mois de Novembre

In the
Royal
Court—
No. 28
Statement
of Bailey

In the
Royal
Court —
Case of
Avocat
Général
Délégué
v Short

1941, lorsqu'il était membre de la Police Salariée de cette Ile, soit seul ou avec autre son complice ou autres ses complices, felonieusement avec effraction et avec force et violence ouvert la porte—laquelle était fermée à clef—d'un magasin occupé par le Comité des Etats dit " States Committee for the Control of Essential Commodities " pour l'emmagasinage de certains comestibles et effets situé à la Place de la Trinité en la paroisse de Saint Pierre Port et être entré dans le dit magasin et avoir pris volé et emporté du dit magasin une boîte de conserves de tomates et une boîte de conserves de haricots verts (anglicisé " French beans ") le tout appartenant au dit Comité. Et lui payer ses dépens. Après que par acte du 23 mai 1942 cette cause à été remise pour entendre les temoins et les conclusions de l'Avocat Général Délégué après que le dit Short à confessé avoir commis le dit crime et a dit ne vouloir faire choix d'un Avocat pour son Conseil. 10

ATTORNEY GENERAL: In this case, Mr. Bailiff and Gentlemen, Frederick Winzer Short is charged, I will just run through the charge. You are accused with having on your own confession by night during the month of November 1941 when you were a member of the Salaried Police, either alone or with accomplices, forced open the door which was locked of a store belonging to the Essential Commodities Committee for the storage of commodities and effects at Trinity Square and with having taken, stolen and removed a box or a tin of tomatoes and a tin of French beans. Now, in this case, Mr. Bailiff and Gentlemen, I will call Acting Inspector Langmead. 20

ACT. INSPECTOR LANGMEAD SWORN IN.

In this case I shall also call Deputy Inspector Lamy for the statement. I shall not want Inspector Langmead in view of the plea of guilty.

DEPUTY INSPECTOR LAMY SWORN IN.

Perhaps the prisoner can sit down. In this case, Mr. Bailiff and Gentlemen, this prisoner, Short, is charged with having during the night broken into and stolen one tin of tomatoes and one tin of beans from the Essential Commodities stores at Trinity Square. That took place last November when he was still a policeman. For those members of the Court who do not know the store, I would say that it is a store at Trinity Square just around the corner, formerly the Groceteria store. The goods belonged to the Essential Commodities. All these goods at the time were stored on the 1st floor. To gain access to that floor one has to come through the front door, up a flight of narrow stairs or steps and these goods were all on that floor. To gain access to those steps you have to unlock a door; that door according to the storeman who gave evidence at the lower Court, is always kept locked and he was the only man who had the key. Now in this case, and also the first intimation we had that Short was involved in this stealing, was through statements that he made to the German Police. He was interviewed by the Acting Deputy Inspector Lamy and I will ask him to give evidence as to exactly how that statement was given. In due course the matter came before 30 40

the Lower Court and after the charge had been read to him and the evidence heard, the accused was cautioned and asked if he had anything further to say and he replied "At that particular time I did not know it was a local store." In due course again he came before this Court on the 23rd May and he pleaded guilty to the charge. On this conviction, on this plea, it is sufficient to warrant the Court to convict him without further evidence. I would just like the Court to be perfectly satisfied that the statement he made to Sergeant Lamy was quite voluntary.

In the
Royal
Court —
Case of
Avocat
Général
Délégué
v Short

PROSECUTION EVIDENCE

10

No. 29.

Sergeant Lamy (Called).

No. 29
Evidence
for the
Prosecution
Acting
Deputy
Inspector
A. Lamy

ATTORNEY GENERAL : Will you tell the Court what procedure you adopted with regard to this statement ;

A. On Sunday 10th May at Fort George I saw Frederick Short and together with him ran through the statements previously made. I then cautioned him and he made another statement to me which he signed.

Q. Did you offer any inducement or threat ?

A. No, Sir.

Q. (to accused) Short, have you any question to ask ?

20 A. No, Sir.

Q. (to witness) This is the statement (producing Exhibit) ?

A. Yes, that is the Statement, signed F. W. Short.

(The witness withdrew).

ATTORNEY GENERAL : The statement reads as follows :—

Frederick Winzer Short, Steam Mills, St. Martin's.
Cautioned.

30 "Essential Commodities, Trinity Square. Sometime in November 1941 with Smith I went into a store at Trinity Square. I did not know it was a local store at the time, it was not until later I found that it was an Essential Commodities store. I took one tin of beans and one tin of tomatoes. That was at the beginning of the week."

The statement continues but refers to another matter. I can read it if you wish.

THE BAILIFF : No, better leave it to the next case.

(to the accused) : Have you anything to say, Short ?

In the
Royal
Court —

EVIDENCE FOR THE DEFENCE

No. 30.

No. 30
Evidence
for the
Defence —
Short

Frederick Winzer Short.

- A. Yes, Sir. I plead guilty to entering a store at Trinity Square but not an Essential Commodities store.
- Q. No, that's quite right. It is not a question of Essential Commodities store, it is of a store in Trinity Square.
- A. I should like to ask the Court why the man who actually opened this store or found the door open to this store, is not charged with me. It was this man in the first place who misled me that the store was not a local store. 10
- THE BAILIFF : I do not see that it makes any difference.
- THE ACCUSED : I am charged with breaking and entering. I did not open the store.
- THE BAILIFF : Did you not enter the store ?
- A. Yes, I entered the store.
- Q. That's all you are charged with. Whoever the store belonged to and what it was used for is immaterial.
- A. But there was another man with me.
- ATTORNEY GENERAL : Yes, in his own confession he says " Sometime in November 1941 with Smith I went into a store . . ." Smith was not charged. We had no evidence on that but this charge is brought simply on Short's own confession that he went in. 20

No. 31.

No. 31
Judgment
in the
case of
Short

Judgment in the case of Short.

THE BAILIFF : Well, Gentlemen, it is necessary for you to make a formal plea of guilty in this case. The prisoner pleads guilty to this crime and therefore it is essential that the Court should pass a formal sentence of guilty.

THE COURT unanimously agreed.

THE BAILIFF : You are found guilty, Short, of this charge. 30

Avocat Général Délégué
v.
Frank Hubert Tuck,
Herbert Percival Smith
and
Frederick Winzer Short.

In the
Royal
Court —

Case of
Avocat
Général
Délégué
v Tuck,
Smith and
Short

H.M.'s GREFFIER READS CAUSES.

L'Avocat Général Délégué

10 Actionne FRANK HUBERT TUCK fils de Frank William natif de cette Ile agé de vingt-sept ans ou environ prisonnier dans la Prison Publique—à le voir soutenir sa preuve en la cause qu'il a contre le dit Tuck—à se voir adjuger aux peines et punitions imposées par les lois pour avoir le dit Tuck—sur sa propre confession—nuitamment vers le moi de novembre 1941, lorsqu'il était membre de la Police Salariée de cette Ile, soit seul ou avec autre son complice ou autres ses complices, felonieusement avec effraction et avec force et violence ouvert la porte—laquelle était fermée à clef—d'un magasin occupé par le Comité des Etats dit "States Committee for the Control of Essential Commodities" pour l'emmagasinage de certains comestibles et effets situé à la Place de la Trinité en la paroisse de Saint Pierre

20 Port et être entré dans le dit magasin et avoir pris volé et emporté du dit magasin une quantité d'huile dite "Cooking oil" et quatre caisses de boites de conserves de tomates, le tout appartenant au dit Comité. Et lui payer ses depens. Après que par acte du 23 mai 1942 cette cause a été remise pour entendre les temoins et les conclusions de l'Avocat Général Délégué après que le dit Tuck a confessé avoir commis le dit crime et a dit ne vouloir faire choix d'un Avocat pour son Conseil.

30 Actionne HERBERT PERCIVAL SMITH fils de John natif de Galles du Sud, agé de trente-huit ans ou environ, prisonnier dans la Prison Publique—à le voir soutenir sa preuve en la cause qu'il a contre le dit Smith—à se voir adjuger aux peines et punitions imposées par les lois pour avoir le dit Smith—sur sa propre confession nuitamment vers le mois de novembre 1941, lorsqu'il était membre de la Police Salariée de cette Ile, soit seul ou avec autre son complice ou autres ses complices, felonieusement avec effraction et avec force et violence ouvert la porte—laquelle était fermée a clef—d'un magasin occupé par le Comité des Etats dit "States Committee for the Control of Essential Commodities" pour l'emmagasinage de certains comestibles et effets situé à la Place de la Trinité en la paroisse de Saint Pierre Port et être entré dans le dit magasin et avoir pris volé et emporté du dit magasin une

40 quantité d'huile dite "Cooking oil" et quatre caisses de boites de conserves de tomates, le tout appartenant au dit Comité. Et lui payer ses depens. Après que par acte du 23 mai 1942 cette cause à été remise pour entendre les temoins et les conclusions de l'Avocat Général Délégué après que le dit Smith a confessé avoir commis le dit crime et a dit ne vouloir faire choix d'un Avocat pour son Conseil.

In the
Royal
Court —

Case of
Avocat
Général
Délégué
v Tuck,
Smith and
Short

L'Avocat Général Délégué

Actionne FREDERICK WINZER SHORT fils de George natif du Comte de Dorset en Angleterre, agé de trente-et-un ans ou environ, prisonnier dans la Prison Publique—

(La Cause comme ci-dessus)

Après que par acte du 23 mai 1942 cette cause a été remise pour entendre les témoins et les conclusions de l'Avocat Général Délégué après que le dit Short a confessé avoir commis le dit crime et a dit ne vouloir faire choix d'un Avocat pour son Conseil.

ATTORNEY GENERAL : For this matter I will call Acting Inspector Langmead 10
and Acting Deputy Inspector Lamy as witnesses.

(Both these men were sworn in)

This charge, Mr. Bailiff and Gentlemen, is against Frank Hubert Tuck, Herbert Percival Smith and Frederick Winzer Short. For their benefit I shall read the charge once more. They are accused of having all three men, on their own confessions, at night during the month of November 1941 or thereabouts when they were members of the Police Force either alone or with accomplices, broken into the store belonging to the Essential Commodities Committee at Trinity Square, which was locked, and with having stolen a quantity of cooking oil and four boxes of tins of tomatoes. In this case also, 20
Mr. Bailiff and Gentlemen, these goods were stored on the first floor of the store at Trinity Square and as I stated in the last case access to this store is gained by means of the door on the street and up a short flight of stairs. The street door is always kept locked and Cherry, the storeman, keeps the key. In this case it is also alleged that the prisoners, Tuck and Short, drove to the store in the Police car and took away the goods stolen in this case which were four cases of tins of tomatoes, each case 24 tins, a total of 96 tins. The first intimation we had was from the statements they made to the German Police. On the strength of that they were seen and they made voluntary statements, the three of them. Before I put in these statements I shall also 30
call the Police Officers, as in the previous cases. Now, when these men were before the Committal Court, after hearing the evidence and being cautioned by the Magistrate, they replied as follows :— Tuck replied " I wish to emphasise that I did not know it was an Essential Commodity Store. I corroborate what Smith has said about finding the door unlocked ". Now Smith replied " As far as I am concerned I deny being there on the dates mentioned. My recollection of being near the store was around about Christmas time. On that occasion I came past the store and I tried the door and it opened as I turned the handle. Shortly after Short came along with Tuck and their attention was drawn to it. When I saw what was being 40
taken away I left them and I went back towards the town. I did not know at that time it was an Essential Commodity store ". And Short replied " I did not know it was an Essential Commodity Store. I corroborate what Smith has said about finding the door unlocked ".

When the prisoners were before this Court on the 23rd May, they all pleaded guilty to the charges and on the strength of those pleas, the Court can proceed without further evidence to convict but as I have stated, I should just like to put in the two Police officers who took the statements, to satisfy the Court that they were freely and voluntarily made. I call Acting Inspector Langmead.

In the
Royal
Court —

Case of
Avocat
Général
Délégué
v Tuck,
Smith and
Short

PROSECUTION EVIDENCE

No. 32.

Acting Inspector Langmead (Called).

No. 32
Prosecution
Evidence.
Acting
Inspector
Langmead

- 10 ATTORNEY GENERAL : What is your full name?
A. Arthur John Langmead. I am Acting Inspector of the Police. On the 10th May I went to Fort George. I saw the Defendant Smith, in consequence of information concerning an alleged entry of a store at Trinity Square which was being used by the Essential Commodities. I cautioned him when he made a statement to me which I took down in writing and which he read over and signed in my presence. Part of this statement refers to the store at Trinity Square. This is the document which he signed (Producing exhibit).
- 20 Q. Will you read the part which relates to this charge?
A. "About the Essential Commodities store Trinity Square. I remember going on one occasion only with P.C.'s Tuck and Short. I did not know it was an Essential Commodities Store and I did not receive anything from there. So far as I know Tuck and Short each had a cardboard box full of tins of tomatoes. I cannot swear to the car being used. I don't remember going to their flat. It was somewhere about Christmas time".
- Q. Did you use any inducements or threat?
A. No, Sir, I was most particular about that.
- Q. (to the three accused) : Any questions to ask the Inspector?
30 All three accused A. : No, Sir.
(The witness withdrew).

No. 33.

Sergeant Lamy (Called)

No. 33
Prosecution
Evidence.
Acting
Deputy
Inspector
A. Lamy

- ATTORNEY GENERAL : Will you tell the Court about the statements made by Tuck
- A. On the 10th May at Fort George I saw Frank Tuck and we had a chat and after cautioning him he made a statement to me concerning the Essential Commodities store at Trinity Square.

In the
Royal
Court —

No. 33
Prosecution
Evidence.
Acting
Deputy
Inspector
A. Lamy

Q. (Producing Exhibit): Was that the statement he made to you ;

A. Yes, signed F. H. Tuck.

Q. Was there any inducement or threat used ?

A. No, Sir.

Q. Will you read that to the Court ?

A. " Frank Hubert Tuck, Les Huriaux, St. Martin's, Cautioned.

Sometime during November I was on night duty with P.C.'s Short and Smith. Smith suggested that we went to a store at Trinity Square. We went up in the Police car. Smith we met on Trinity Square. He had a key and opened the door of a store formerly owned by the "Groceteria," Fountain Street. We went in and each took 2 cases, each containing 24 tins of tomatoes, and some cooking oil. We did not know this was a local store at the time or I would not have taken anything from there to deprive anyone of their rations. Short drove the car and we took the stuff to our houses.

The German Police recovered about 40 tins of tomatoes from my house. When I took them I thought they were beans "

Q. And that was signed by F. H. Tuck ?

A. Yes, Sir.

Q. Now, with regard to Short, did he also make a statement ?

A. Yes, Sir, on the same day, there are several different matters on this statement but in relation to this particular case, he said :—

" Essential Commodities, Trinity Square. Sometime in November 1941 with Smith I went into a store at Trinity Square. I did not know it was a local store at the time, it was not until later I found that it was an Essential Commodities store. I took one tin beans and one tin of tomatoes. That was at the beginning of the week. At the end of the same week, I went in again with Tuck and Smith. On that occasion we took two cases of tomatoes and about 2 pints of cooking oil in a small jar. Smith had a key and opened the door, we carted the stuff home in the Police car. Some time later, on the next night shift, Smith asked me to go again but I refused and told him it was a local store. The car had been left outside the Police station that night, I did not take it from the garage "

That was signed F. W. Short.

Q. (to the three accused) : Have you any questions to ask Sergeant Lamy ?

A. No, Sir.

(The witness withdrew).

ATTORNEY GENERAL : I would formally ask the Court to convict these three men.

THE BAILIFF (to the accused) : Do you wish to say anything to the Court before I ask them to pass a formal verdict of guilty ?

EVIDENCE FOR THE DEFENCE**No. 34.****Frederick Winzer Short.**In the
Royal
Court —
—No. 34
Evidence
for the
Defence —
Short

ACCUSED SHORT : Yes, Sir. I wish to again state that I was misled into believing that it was not a local store otherwise I would not have entered the store. I would like to state that about two or three weeks afterwards I found out that this store was an Essential Commodities store and I informed these two men here and they were quite surprised. Tuck was quite surprised that it was an Essential Commodities store.

- 10 THE BAILIFF : I must confess you make a plea that you did not know it was an Essential Commodities store or a local store, I do not see that it has any bearing on the matter ; you went and stole things from a store. Have you anything to say in this matter Smith ?

No. 35.**Hubert Percival Smith.**No. 35
Evidence
for the
Defence —
Smith

A. No, Sir, only that at the time I did now know it was an Essential Commodities store and in the course of duty I walked around and tried the doors as is the usual habit and this door was opened and as I have said in my statement, these other two men came along. I left them to do it.

- 20 THE BAILIFF : Again, that does not appear to me to have anything to do with the case. When you found the door opened, did you take any precautions to have that door fastened ; It was your duty to see that the door was fastened or to advise the owner of that store that it was open. Did you do anything ?

A. No, Sir, I neglected that.

THE BAILIFF : Tuck, have you anything to say ?

No. 36.**Frank Hubert Tuck.**No. 36
Evidence
for the
Defence —
Tuck

- 30 A. If I had known it was an Essential Commodities store, I would not have taken anything to deprive anybody of their rations. I was under a wrong impression.

In the
Royal
Court —

No. 37.

**Judgment in the case of
Tuck, Smith and Short.**

No. 37
Judgment
in the case
of Tuck,
Smith and
Short

THE BAILIFF : I ask you, Gentlemen, to pass a formal plea of guilty. These men have pleaded guilty.

THE COURT agreed unanimously.

Avocat Général Délégué

v.

Herbert Percival Smith et Alfred William Howlett.

Case of
Avocat
Général
Délégué
v Smith
and
Howlett

H.M.'s GREFFIER read the Causes.

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L'Avocat Général Délégué

Actionne HERBERT PERCIVAL SMITH fils de John natif de Galles du Sud agé de 38 ans ou environ, prisonnier dans la prison publique—à le voir soutenir sa preuve en la cause qu'il a contre le dit Smith—à se voir adjuger aux peines et punitions imposées par les lois pour avoir le dit Smith—sur sa propre confession—nuitamment vers le moi de novembre 1941, lorsqu'il était membre de la Police Salariée de cette Ile, soit seul ou avec autre son complice ou autres ses complices, felonieusement avec éffraction et avec force et violence ouvert la porte—laquelle etait fermée à clef—d'un magasin occupé par le Comité des Etats dit " States Committee for the Control of Essential Commodities " pour l'emmagasinage de certains commestibles et effets situé à la Place de la Trinité en la paroisse de Saint Pierre Port et être entré dans le dit magasin et avoir pris volé et emporté du dit magasin six boites ou environ de conserves de haricots verts (anglicisé " French beans ") appartenant au dit Comité. Et lui payer ses depens. Après que par acte du 23 mai 1942 cette cause à été remise pour entendre les témoins et les conclusions de l'Avocat Général Délégué après que le dit Smith a confessé avoir commis le dit crime et a dit ne vouloir faire choix d'un Avocat pour son Conseil.

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Actionne ALFRED WILLIAM HOWLETT fils d'Alfred natif de cette Ile agé de 50 ans ou environ, prisonnier dans la prison publique 9 à le voir soutenir sa preuve en la cause qu'il a contre le dit Howlett—à se voir adjuger aux peines et punitions imposées par les lois pour avoir le dit Howlett—sur sa propre confession—nuitamment vers le mois de novembre 1941, lorsqu'il était membre de la Police Salariée de cette Ile, soit seul ou avec autre son complice ou autres ses complices, felonieusement avec éffraction et avec force et violence ouvert la porte—laquelle etait fermée à clef—d'un magasin occupé par le Comité des Etats dit " States Committee for the Control of Essential Commodities " pour l'emmagasinage de certains commestibles et

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effets situé à la Place de la Trinité en la paroisse de Saint Pierre Port et être entré dans le dit magasin et avoir pris volé emporté du dit magasin six boites ou environ de conserves de haricots verts (anglicisé "French Beans ") appartenant au dit Comité. Et lui payer ses dépens. Après que par acte du 23 mai 1942 cette cause à été remise pour entendre les témoins et les conclusions de l'Avocat Général Délégué après que le dit Howlett a confessé avoir commis le dit crime et à dit ne vouloir faire choix d'un Avocat pour son Conseil.

In the
Royal
Court —
Case of
Avocat
Général
Délégué
v Smith
and
Howlett

10 ATTORNEY GENERAL : I will read over the charge for these two men. Smith and Howlett, you are here charged with having on your own confessions at night during the month of November 1941 when members of the Salaried Police, either alone or with accomplices, broken into the Essential Commodities store at Trinity Square which was locked, and to have taken, stolen and removed six tins of french beans. That is, you are both on the same charge.

These accused, Mr. Bailiff and Gentlemen, are concerned with a further breaking into the Essential Commodities store at Trinity Square and it took place during the month of November by night.

THE BAILIFF : I see that it is 6 boxes of french beans.

20 ATTORNEY GENERAL : That is the French translation of six tins of french beans. These are simply six tins which were stolen. In this case the tins were on the first floor of the building at Trinity Square and at the time of the robbery, Howlett was a Sergeant in the Police Force and Smith was a Policeman. I would also like to say that the first intimation we had that these men were concerned with this robbery was through statements which they made to the German Police. Those were investigated by Inspector Langmead and as a result thereof both men made statements. In due course the men came before the Magistrate in the Lower Court and after the charges had been read to them and they had
30 been cautioned they replied as follows :—

Smith said :— " Last November while on night duty I do not remember the date, I was patrolling around Trinity Square. I tried various doors in the vicinity when I came across a door of a store which I had tried and found it opened. I later informed Sergt. Howlett of the fact and we both proceeded there and entered the store. There were a number of tins stacked on the floor, we both took 3 tins each. At the time I did not know that the store was belonging to the Essential Commodity. Had I known it was so I would never have taken anything. I have since
40 realised the seriousness of it and at the time I felt the ration of food I was allowed was insufficient and I gave way to temptation rather than deny or take away food that was needed by my wife and three small children. I plead for the mercy of the Court ".

Now, Howlett made a longer statement. He said :—

" In November last about 2.30 a.m. one morning, I do not know the date, I was in charge of the Night shift and I was about to go on patrol when Smith said to me " There is a Jerry store open on Trinity

In the
Royal
Court —
—
Case of
Avocat
Général
Délégué
v Smith
and
Howlett

Square if you want anything". I looked on the list of stores at the Police Station and saw that there was no mention of a local store on Trinity Square. This convinced me that this was a German Store as Smith had told me. I went through the town with Smith, examined all the local shops and stores and found them intact.

Arrived at Trinity Square about 3 o'clock, everything was in order there, all local stores I mean, and when I got to Smith he was just opening this other store door. I went in and picked up 3 tins off the heap and took them away. That is the first and only time in my career I have been in any store and taken anything. On 7th March 1942 I was arrested by the Germans, kept in prison a fortnight and taken to Grange Lodge where I was put through a stiff interrogation. Amongst the allegations made against me was one that I had entered an Essential Commodity store on Trinity Square. Up to that time the Police had not been notified that the Essential Commodities Committee had a store on Trinity Square. I denied to the Germans that I had been in any local store. I had no inclination to enter any local store and take anything. I was always so careful to see that the local stores were intact and I would not have entered if I had known it was a local store. No local stores were ever entered when I was on night-duty. I have been in the Force for 22 years and a Sergeant for 14 years. I was misled by the fact that Smith told me it was a German store and also that it was not on the list of Essential Commodity Stores at the Police Station".

On the 23rd May both these men were before this Court and they both pleaded guilty to the charges. I will ask Inspector Langmead to tell the Court about the statements.

PROSECUTION EVIDENCE

No. 38.

DEPUTY INSPECTOR LANGMEAD SWORN IN.

- ATTORNEY GENERAL : Will you tell the Court about the statements you took? 30
- A. On the 16th May at the local Prison I saw Howlett, I told him I was making enquiries concerning a statement he was alleged to have made with reference to a store at Trinity Square. I cautioned him and he made a statement to me which I took down.
- ACCUSED HOWLETT : What about the first one, Sir ;
- WITNESS : On the 10th May at Fort George, I saw the prisoner, told him I was making an enquiry concerning breaking and entering in consequence of a statement he had made, he said " I have read the story of my alleged confession, to that may I add . . . "
- ACCUSED : I would like the Inspector to say what caused me to change my statement. Will you read the second statement ; 40

No. 38
Prosecution
Evidence.
Acting
Inspector
Langmead

WITNESS : That will follow. First of all, on the Sunday, 10th May I saw him at the Fort George when he said " I have read the statement I am alleged to have made and I wish to plead not guilty. I have nothing further to add ".

In the
Royal
Court —

10 On Friday 15th May, at the Police Court room in company with two other men, I saw the prisoner, I told him that I had received a letter and that I would read a paragraph of the letter. I read it but Howlett started to say something. " I will leave the matter over, I will go into Police Court." Therefore on the Saturday 16th that was the reason why I saw him at the Prison when he made this statement which he signed.

No. 38
Prosecution
Evidence.
Acting
Inspector
Langmead

ATTORNEY GENERAL : Did he make it quite voluntarily ?

A. Yes. I told him he need not say anything. He said :—

" I have read the translation of my statement and wish to state that this case of entering the Essential Commodities store at Trinity Square is true, it is the only time I did go there and I would not have done so had I known it was a civilian store. I only had three tins of beans. Smith was with me and he opened the door but in what manner, whether by a key or if it was already open, I don't know ".

20 That was signed " A. W. Howlett ".

ATTORNEY GENERAL : Well now, about Smith ?

A. With regard to Smith Sir. On the same date at the Prison I saw him, told him I was making similar enquiries when he made a statement after being cautioned. I took the statement in writing and he signed it. The statement reads :—

30 " I would like to say that early in November 1941, I did go into the Essential Commodities Store, Trinity Square, and as far as I can remember it was with Sergt. Howlett. I did not know it was a civilian store at the time or else I would not have gone. I took two or three tins of beans and Howlett took the same. I had no key but tried the door and found it was open. The door had a poor lock and when I tried the handle the door opened ".

That was signed " H. P. Smith ".

Q. You can assure the Court that both these statements were perfectly voluntarily taken ?

A. Yes, Sir.

THE BAILIFF : Howlett, are there any questions you would like to ask ?

In the
Royal
Court —

EVIDENCE FOR THE DEFENCE

No. 39.

No. 39
Evidence
for the
Defence —
Howlett

Alfred William Howlett.

A. The only thing, Sir, is that in the first instance when I was confronted with my alleged statement I pleaded not guilty. During the week we were shewn this letter saying that if we did not plead guilty and admit the offence, that we would be tried elsewhere. That is why I changed my plea from "not guilty" to "guilty".

Q. You pleaded not guilty?

A. I did not know that it was an Essential Commodities store. When Inspector Langmead showed me the statement sent by the German Authorities, I pleaded not guilty. That was on the Sunday. During the week I can't say exactly which day, Inspector Langmead came to the Prison and he showed me this letter that if we did not plead guilty and admit this statement, that we would be tried elsewhere. Therefore that is the reason why I changed my statement. All I have to say, is that we are denied the right to pleading not guilty. I have nothing else to say. 10

THE BAILIFF: There is no question of pleading not guilty that you went there. You do not plead not guilty to a thing when you know you are guilty. 20

Smith, have you anything further to say?

A. No, Sir.

No. 40.

Judgment in the case of Smith and Howlett.

No. 40
Judgment
in the case
of Smith
and
Howlett

THE BAILIFF: Well, Gentlemen, in this case the confession was made voluntarily although in the case of Howlett he says first of all that he pleaded not guilty. As to whether he was guilty or not guilty I do not know but afterwards he pleaded guilty on account of a letter he was shewn, the contents of which we know nothing about. To understand the mentality of this man Howlett is quite impossible. A man is either guilty or not guilty. If you are guilty you should plead guilty, if you are not guilty a Policeman should know that, then he should plead not guilty. He pretends that because he has read a letter—of which we know nothing about—he alters his plea quite apart from the fact that he is either guilty or not guilty. He has a mentality I cannot fathom more especially in a Sergeant of the Police. Smith states he is guilty and he pleads guilty. In both cases both these men have pleaded guilty and the only thing the Court is to do is to confirm this by entering a formal sentence of guilty. In this case, are you all of the same opinion? 30 40

THE COURT unanimously agreed.

Avocat Général Délégué
v.
William George Quin et Charles Alfred Friend.

In the
Royal
Court —

Case of
Avocat
Général
Délégué
v Quin
and Friend

H.M.'s GREFFIER read the Causes.

L'Avocat Général Délégué

10 Actionne WILLIAM GEORGE QUIN fils de Henry natif de cette Ile agé de 45 ans ou environ, prisonnier dans la prison publique—à le voir soutenir sa preuve en la cause qu'il a contre le dit Quin—à se voir adjuger aux peines et punitions imposées par les lois pour avoir le dit Quin—sur sa propre confession—nuitamment vers le mois de novembre 1941, lorsqu'il était
20 membre de la Police Salariée de cette Ile, soit seul ou avec autre son complice ou autres ses complices, felonieusement avec éfraction et avec force et violence ouvert la porte—laquelle etait fermée à clef—d'un magasin occupé par le Comité des Etats dit " States Committee for the Control of Essential Commodities " pour l'emmagasinage de certains commestibles et effets situé à la Place de la Trinité en la paroisse de Saint Pierre Port et être entré dans le dit magasin et avoir pris volé et emporté du dit magasin quatre boites ou environ de conserves de tomates appartenant au dit Comité. Et lui payer ses dépens. Après que par acte du 23 mai 1942 le dit Quin à fait niance d'avoir commis le dit crime et à dit ne vouloir faire choix d'un Avocat pour son Conseil.

30 Actionne CHARLES ALBERT FRIEND fils d'Edward James natif de cette Ile agé de 27 ans ou environ, prisonnier dans la prison publique à le voir soutenir sa preuve en la cause qu'il a contre le dit Friend—à se voir adjuger aux peines et punitions imposées par les lois pour avoir le dit Friend—sur sa propre confession—nuitamment vers le mois de novembre 1941, lorsqu'il était membre de la Police Salariée de cette Ile, soit seul ou avec autre son complice ou autres ses complices, felonieusement avec éfraction et avec force et violence ouvert la porte—laquelle etait fermée à clef—d'un magasin occupé par le Comité des Etats dit " States Committee for the Control of Essential Commodities " pour l'emmagasinage de certains commestibles et effets situé à la Place de la Trinité en la paroisse de Saint Pierre Port et être entré dans le dit magasin et avoir pris volé et emporté du dit magasin quatre boites ou environ de conserves de tomates appartenant au dit Comité. Et lui payer ses dépens. Après que par acte du 23 mai 1942 cette cause à été remise pour entendre les temoins et les conclusions de l'Avocat Général Délégué après que le dit Friend a confessé avoir commis le dit crime et à dit ne vouloir faire choix d'un Avocat pour son Conseil.

40 ATTORNEY GENERAL : Mr. Bailiff and Gentlemen. I shall just read over the charges against these two men. Quin and Friend, the charge against the both of you is that, on your own confessions, you did by night during the month of November 1941 when you were members of the Salaried Police, break into the Essential Commodities store at Trinity Square

In the
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and Friend

which was locked and with having taken, stolen and removed four tins of tomatoes.

In this case, also, Mr. Bailiff and Gentlemen, the goods were stored by the Essential Commodities Committee on the first floor of that store at Trinity Square. As I have stated access was gained by the street door and by a short flight of stairs. The street door was always kept locked. In this case, like in the previous ones, the first intimation we had that these men were concerned in this theft was through statements they made to the German Police. As a result of this statement, Sergeant Lamy and Banneville saw them and took statements. These I will read after you have heard the Police evidence. In due course both the prisoners came before the Committal Court and after hearing the charge and being cautioned by the Magistrate, Quin replied " I did not know it was an Essential Commodity Store, otherwise I should have had nothing to do with it ". And Friend replied " If I had known it was an Essential Commodity Store I should have never taken part in it ". 10

Now these men were before the Court here on the 23rd May. Quin pleaded not guilty but Friend pleaded guilty. I do not know if Quin still pleads not guilty.

THE BAILIFF : Do you still plead not guilty ? 20

A. I plead guilty now.

ATTORNEY GENERAL : That plea of not guilty is withdrawn to a plea of guilty today. In view of both these pleas it is not necessary for me to prove the charges further but I should like the Police officers to justify as to the statements they took.

PROSECUTION EVIDENCE

No. 41.

ACTING DEPUTY INSPECTOR LAMY SWORN IN.

Acting Deputy Inspector Lamy (Called).

ATTORNEY GENERAL : Now will you tell the Court about the statement which you took from Quin ? 30

A. On the 16th May at the Prison I saw William Quin, cautioned him and he made a statement :—

" I admit that sometime at the end of November 1941, with P.C. Friend I went to the store of the Essential Commodities Trinity Square. I had a key which fitted the door, it was an ordinary common type of lock and opened easily with my key.

We both went in and I took two tins of tomatoes, Friend also took two so far as I remember. We left the store and I re-locked the door. We returned to duty".

Signed " W. G. Quin ". 40

No. 41
Prosecution
Evidence.
Acting
Deputy
Inspector
A. Lamy

Q. Was that statement taken quite voluntarily ?

A. Yes, Sir.

Q. Any pressure brought upon him ?

A. None whatever, Sir.

Q. (to accused) : Any questions ?

A. No, Sir.

(The witness withdrew).

In the
Royal
Court —

No. 41
Prosecution
Evidence.
Acting
Deputy
Inspector
A. Lamy

No. 42.

SERGEANT BANNEVILLE SWORN IN.

10

Sergeant Banneville (Called).

No. 42
Prosecution
Evidence.
Sergeant
Banneville

Sir, on the 10th May at Fort George I saw the accused Charles Albert Friend. I told him I was making enquiries concerning an alleged entrance to the Essential Commodities stores at Trinity Square. I told him it was alleged that he had made a statement to the German Police. I cautioned him and he made a voluntary statement. He gave me his name as Charles Albert Friend and his statement reads as follows :—

20

“ At the end of November I was on night Patrol duty with P.C. Quin. Quin had about himself a key to the premises known as the Essential Commodities, Trinity Square. We both went into the stores and I took from the stores two tins of Tomatoes. I did not know it was the Essential Commodities stores at the time. That is the only time I had been there. Quin opened the door with a key ”.

He signed it C. A. Friend, Sir.

Q. Was any pressure brought to bear on the accused ?

A. None at all. He asked me for my advice but I told him I could not give any advice.

THE BAILIFF (to both accused) : Is there any question you wish to ask ?

Both A. No, Sir.

(The witness withdrew).

30

Q. Is there anything you wish to say to the Court ?

Both A. No, Sir.

ATTORNEY GENERAL : I would ask for the formal conviction.

No. 43.

Judgment in the case of Quin and Friend.

No. 43
Judgment
in the case
of Quin
and Friend

THE BAILIFF : Well, Gentlemen, I ask you to pass a formal act of guilty in this case.

THE COURT unanimously agreed.

In the
Royal
Court —

Case of
Avocat
Général
Délégué
v Quin
and Smith

Avocat Général Délégué
v.
William George Quin et Herbert Percival Smith.

H.M.'s GREFFIER READ THE CAUSES.

L'Avocat Général Délégué

Actionne WILLIAM GEORGE QUIN fils de Henry natif de cette Ile, agé de quarante-cinq ans ou environ, prisonnier dans la Prison Publique à le voir soutenir sa preuve en la cause qu'il a contre le dit Quin—à se voir adjuger aux peines et punitions imposées par les lois pour avoir le dit Quin—sur sa propre confession—nuitamment vers le 22 février 1942, lorsqu'il était membre de la Police Salariée de cette Ile, soit seul ou avec autre son complice ou autres ses complices felonieusement avec éfraction et avec force et violence forcé la porte qui était fermée au cadenas d'un magasin situé au Truchot en la paroisse de Saint Pierre Port occupé par la Société dite " R. W. Randall Limited " pour l'emmagasinage entre autres de vin, et être entre dans le dit magasin et avoir pris volé et emporté du dit magasin quatre-vingt-six bouteilles ou environ de vin d'Oporto appartenant à la dite Société. Et lui payer ses dépens. Après que par acte du 23 mai 1942 cette cause à été remise pour entendre les temoins et les conclusions de l'Avocat Général Délégué après que le dit Quin a confessé avoir commis le dit crime et a dit ne vouloir faire choix d'un Avocat pour son Conseil. 10

L'Avocat Général Délégué

Actionne HERBERT PERCIVAL SMITH fils de John natif de Galles du Sud agé de trente-huit ans ou environ, prisonnier dans la prison publique—à le voir soutenir sa preuve en la cause qu'il a contre le dit Smith—à se voir adjuger aux peines et punitions imposées par les lois pour avoir le dit Smith—sur sa propre confession—nuitamment vers le 22 février 1942, lorsqu'il était membre de la Police Salariée de cette Ile, soit seul ou avec autre son complice ou autres ses complices, felonieusement avec éfraction et avec force et violence forcé la porte qui était fermée au cadenas d'un magasin situé au Truchot en la paroisse de Saint Pierre Port occupé par la Société dite " R. W. Randall Limited " pour l'emmagasinage entre autres de vin, et être entré dans le dit magasin et avoir pris volé et emporté du dit magasin quatre-vingt-six bouteilles ou environ de vin d'Oporto appartenant à la dite Société. Et lui payer ses dépens. Après que par acte du 23 mai 1942 cette cause à été remise pour entendre les temoins et les conclusions de l'Avocat Général Délégué après que le dit Smith a confessé avoir commis le dit crime et a dit ne vouloir faire choix d'un Avocat pour son Conseil. 30

ATTORNEY GENERAL : Herbert Percival Smith and William George Quin in this case you are both charged with having, according to your own confession by night about the 22nd February 1942 when you were members of the Salaried Police, either alone or with accomplices, broken 40

into a store at the Truchot belonging to R. W. Randall Ltd. and having stolen about 86 bottles of port belonging to the Company.

This charge, Mr. Bailiff and Gentlemen, as I have just read concerns the stealing of about eighty-six bottles of port wine belonging to Messrs. R. W. Randall from a store at the Truchot. I think the Court knows these stores in the Truchot. It is one of the stores, there are two stories, ground floor and first floor and they are secured by means of a bolt and padlock. In this case the robbery took place during the night of February 22nd—23rd. At that time both these men were members of the Police Force. In this case also the first intimation we had was through statements which they themselves made to the German Police. As a result of those statements, Acting Inspector Langmead saw the two of them and after cautioning them they made statements. The statements I shall read to the Court directly. When they came before the Magistrate, after the evidence had been heard and the charge had been read to them, they made these replies. Smith said :

“ When this offence was committed I was more or less under the influence of Duquemin and a tool in his hands. The fact is that when the Feldgendarmerie came to my house I handed over the two bottles of wine and the £11 in Guernsey notes intact as I had received from Duquemin, therefore I had no further interest in the stealing of wine other than the temptation of the money ”.

Quin replied “ I have nothing at all to say ”.

The name Duquemin mentioned in those replies refers to Stephen Duquemin who will be before this Court. I do not wish to say too much at this stage. I will call Acting Inspector Langmead to put in these statements.

PROSECUTION EVIDENCE

No. 44.

(Acting Inspector Langmead sworn in).

Acting Inspector Langmead (Called).

On Sunday, 10th May I went to Fort George where I saw both the prisoners. I saw Quin and told him I was making enquiries concerning a statement he had made to the German Police concerning breaking and entering a store in the Truchot and stealing therefrom bottles of wine. I cautioned him when he made a statement which I took down in writing and which he signed. The statement reads :—

“ I have read the statement, I was out with P. C. Smith, we passed in front of the Victoria Hotel and went there to see what was on. Duquemin came to the door and offered us a drink. We went in and had a

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Case of
Avocat
Général
Délégué
v Quin
and Smith

No. 44
Prosecution
Evidence.
Acting
Inspector
Langmead

In the
Royal
Court —

No. 44
Prosecution
Evidence.
Acting
Inspector
Langmead

drink, I had wine and I think Smith had a mineral. Smith asked Duquemin if he wanted some wine, Duquemin asked what sort and Smith said there was some in Randall's store in the Truchot. Smith was given an instrument by Duquemin, a hammer it was. We went to the store and Smith broke open the lock and we took one bottle each to Duquemin. Smith asked if he would buy it and Duquemin said I will give you 5/- a bottle. We went to the store in three journeys. Duquemin gave us a suitcase and we filled it up each time, I don't remember the total number of bottles.

Duquemin gave me £11 and Smith the same amount for the wine. 10
I did not know it was Randall's store, I thought it was an O.T. Store.

I have repaid £7 of the £11 received. The statement on page 6 is not all true but this statement is correct ”.

That was signed W. G. Quin. I also saw Smith, told him of the enquiry I was making concerning a store and I cautioned him when he made a statement which I took down in writing and which he signed. It reads:—

“ I have read the statement on page 11, it is true. I am not sure of the date. I was on duty with Quin and we went to the store at the Truchot, I did not know at the time whose store it was. Quin forced the padlock on the door and we went in. First from the Station we went 20
to the Victoria Hotel, I did not have anything to say to Mr. Duquemin, Quin did all the talking, I sat at the table and had a mineral water. After they had been talking Quin and Duquemin left and went to the back of the Hotel, after a short time both came back and I saw Quin had a pick hammer. They had a further conversation and Duquemin supplied a leather case which we took with us. I heard Duquemin say he would give us 5/- for each bottle brought to him.

We went twice to the store, and filled the case each time, I am not sure of the number of bottles, it would be upwards of 80 but I do remember he gave us £11 each, Quin took the £22 and he (Quin) gave me £11. 30

When we took the sample bottle to Duquemin he said “ Get to work you buggars, I have plenty of £1 notes !

That statement was signed by H. P. Smith.

ATTORNEY GENERAL : Were these statements freely given ?

A. Yes, quite freely, Sir.

Q. (to both accused) : Now, have you any question to ask ?

Both A. No, Sir.

Q. Is there anything you would like to say to the Court before I ask them to pass a formal verdict of guilty ?

EVIDENCE FOR THE DEFENCE**No. 45.****Herbert Percival Smith.**

ACCUSED SMITH : Only, Sir, what I have already said, that I consider that it was done under the influence of Duquemin. I was not interested in the wine and the drink other than the money.

Q. Did you not go down to the Victoria Hotel to see Duquemin ?

A. In the first place I went down but we had no inclination to go to the store.

In the
Royal
Court —

No. 45
Evidence
for the
Defence —
Smith

10

No. 46.**Judgment in the case of Quin and Smith**

THE BAILIFF : I ask you to pass a formal verdict of guilty in this case as in the other cases. Do you all agree to it ?

THE COURT unanimously agreed.

No. 46
Judgment
in the case
of Quin
and Smith

Avocat Général Délégué

v.

Stephen John Christopher Duquemin*(not a party to this Appeal)*

Case of
Avocat
Général
Délégué v
Duquemin
(not a
party to
this Appeal)

H.M.'s GREFFIER READ THE CAUSE.

20 L'Avocat Général Délégué

Actionne STEPHEN JOHN CHRISTOPHER DUQUEMIN fils de Stephen natif de cette Ile agé de 70 ans ou environ, prisonnier dans la Prison Publique—à le voir soutenir sa preuve en la cause qu'il a contre le dit Duquemin—à se voir adjuger à telle peine punition ou châtiment corporel que la Cour trouvera condigne pour avoir le dit Duquemin—sur sa propre confession—soit seul ou avec autre son complice ou autres ses complices vers le 22 février 1942 en cette Ile reçu et recelé et eu en sa possession quatre-vingt-six bouteilles ou environ de vin d'Oporto, le dit Duquemin sachant lorsqu'il reçut les dites bouteilles de vin qu'elles avaient été volées par

30 Herbert Percival Smith et William George Quin, le tout a l'infraction des lois trouble de l'ordre public. Et lui payer ses dépens. Après que par acte du 23 mai 1942 cette cause à été remise pour entendre les temoins et les conclusions de l'Avocat Général Délégué après que le dit Duquemin a confessé avoir commis le dit crime et à fait choix de l'Avocat W. H. Langlois pour son Conseil.

ADVOCATE LANGLOIS : Mr. Bailiff and Gentlemen. I appear for the Defendant and he pleads guilty to the indictment.

ATTORNEY GENERAL : This charge, Mr. Bailiff and Gentlemen, concerns the receiving by Mr. Duquemin of the 86 bottles of port wine from the two

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Court —
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party to
this Appeal)

ex-policemen who were before you in the last charge. This matter is also simple because Duquemin, both before this Court on the 23rd May and today through his Counsel, has pleaded guilty to this charge. In this case also I would like the Court to know that the investigations by the local Police started through statements made by Duquemin to the German Police and the prisoner made a statement to Deputy Inspector Langmead and I again ask the Court's permission to hear Sergeant Langmead who will give evidence on that.

In this case it is alleged that the two thefts . . . If you like I will explain from the beginning. Smith and Quin had an interview with Duquemin and as a result of that they stole the bottles of wine. Duquemin lent them some tools. I have a small pick hammer which was used to break the padlock on the door and also he lent them some kind of case which is described as a suitcase, trunk, with which to carry these bottles. They made two or three journeys from the store to the Victoria Hotel. He paid them at the rate of 5/- a bottle and he paid these men £22 which was shared between them. Part of it was handed to the German Field Police.

10

(Acting Inspector Langmead sworn in).

Acting Inspector Langmead (Called).

On Sunday, 10th May, I went to Fort George where I saw the prisoner. I told him I was making enquiries about the alleged receiving by him of bottles of wine which had been stolen from a store in the Truchot. I cautioned him and he made a statement which I took down in writing and which he read and signed. It reads:—

20

“ I have read the statement on page one and want to say that the Policemen, Smith and Quin, came to my Hotel one night in February. I gave them a drink, Smith said they would like to go in a store, and asked me for something to open it. I gave him a little pick hammer. I told them to go, I had to get my work done. This was about half-past ten at night.

30

About half an hour later they returned and brought back one bottle as a sample. I told them I would give them 5/- a bottle for all they brought me. It was a bottle of Port wine. I gave them a horse trunk and they went off, I knew they were going to a store but did not know where. They told me it was a store next to my place in the Truchot and I said “That must be Randall's !”

They came back with the trunk full two or three times, I am not sure how many times. Altogether I had 86 bottles and I gave the policemen £22 so that they would have £11 each. It was the two men Smith and Quin who came to me first, I did not suggest it to them. I sold all the bottles but I paid back the money to the German Police. The wine was sold to customers in my Hotel. I had no wine or spirits to sell and wanted some to keep going as I had peace in my Hotel when I had stuff to sell.

40

So far as I remember it was Smith who did all the talking and business with me, Quin had very little to say. Smith was saying he wanted the stuff to feed his children and kept talking of his three children.

This is the only case I am concerned in and would not have done this had not the two Policemen first come to me. The exact words I said to the Policemen were "Bugger off I want to get on with my work". The work I had to do was make up my till, clean the glasses and put out the empty bottles and make up the stuff for the next day". And that was signed by the prisoner.

10 ATTORNEY GENERAL : Any remarks ?

ADVOCATE LANGLOIS : I have no remarks to make to the Court at this stage.
(*The witness withdrew*).

THE BAILIFF : I ask the Court to find Duquemin guilty. The sentence will come at the end. You understand that, Mr. Langlois ?

COUNSEL : Yes, Sir.

(THE COURT unanimously found prisoner guilty).

THE BAILIFF : You are found guilty of this charge.

In the
Royal
Court —

Case of
Avocat
Général
Délégué v
Duquemin
(not a
party to
this Appeal)

Avocat Général Délégué

v.

20 **William Burton, Charles Albert Friend et William George Quin.**

H.M.'s GREFFIER read the Causes.

L'Avocat Général Délégué

30 Actionne WILLIAM BURTON fils de Francis John natif de cette Ile agé de 46 ans ou environ, prisonnier dans la prison publique—à le voir soutenir sa preuve en la cause qu'il a contre le dit Burton—à se voir adjuger aux peines et punitions imposées par les lois pour avoir le dit Burton nuitamment dans le mois de décembre 1941, lorsqu'il était membre de la Police Salariée de cette Ile, soit seul ou avec autre son complice ou autres ses complices, felonieusement avec effraction et avec force et violence forcé la porte qui était fermée au cadenas d'un magasin situé sur le Quai du Havre de Saint Pierre Port en la dite paroisse occupé par Monsieur Harold Francis le Lièvre pour l'emmagasinage en autres de liqueurs spiritueuses appartenant aux membres de l'Association dite "Alliance Club" et être entré dans le dit magasin et avoir pris volé et emporté du dit magasin vingt bouteilles ou environ de liqueurs spiritueuses appartenant aux membres de la dite Association. Et lui payer ses dépens. Après que par acte du 23 mai 1942 le dit Burton a fait niance d'avoir commis le dit crime et a dit ne vouloir faire choix d'un Avocat pour son Conseil.

Case of
Avocat
Général
Délégué
v Burton,
Friend
and Quin

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Friend
and Quin

L'Avocat Général Délégué

Actionne CHARLES ALBERT FRIEND fils d'Edward James natif de cette Ile agé de 27 ans ou environ, prisonnier dans la prison publique—à le voir soutenir sa preuve en la cause qu'il a contre le dit Friend—à se voir adjuger aux peines et punitions imposées par les lois pour avoir le dit Friend—sur sa propre confession—nuitamment dans le mois de décembre 1941, lorsqu'il était membre de la Police Salariée de cette Ile, soit seul ou avec autre son complice ou autres ses complices, felonieusement avec éfraction et avec force et violence forcé la porte qui etait fermée au cadenas d'un magasin situé sur le Quai du Havre de Saint Pierre Port en la dite paroisse occupé par Monsieur Harold Francis Le Lièvre pour l'emmagasinage entr'autres de liqueurs spiritueuses appartenant aux membres de l'Association dite " Alliance Club " et être entré dans le dit magasin et avoir pris volé et emporté du dit magasin vingt bouteilles ou environ de liqueurs spiritueuses appartenant aux membres de la dite Association. Et lui payer ses dépens. Après que par acte du 23 mai 1942 cette cause à été remise pour entendre les temoins et les conclusions de l'Avocat Général Délégué après que le dit Friend a confessé avoir commis le dit crime et a dit ne vouloir faire choix d'un Avocat pour son Conseil.

10

L'Avocat Général Délégué

20

Actionne WILLIAM GEORGE QUIN fils de Henry natif de cette Ile agé de 45 ans ou environ, prisonnier dans la prison publique—à le voir soutenir sa preuve en la cause qu'il a contre le dit Quin—à se voir adjuger aux peines et punitions imposées par les lois pour avoir le dit Quin—sur sa propre confession—nuitamment dans le mois de décembre 1941, lorsqu'il était membre de la Police Salariée de cette Ile, soit seul ou avec autre son complice ou autres ses complices, felonieusement avec éfraction et avec force et violence forcé la porte qui etait fermée au cadenas d'un magasin situé sur le Quai du Havre de Saint Pierre Port en la dite paroisse occupé par Monsieur Harold Francis Le Lièvre pour l'emmagasinage entr'autres de liqueurs spiritueuses appartenant aux membres de l'Association dite " Alliance Club " et être entré dans le dit magasin et avoir pris volé et emporté du dit magasin vingt bouteilles ou environ de liqueurs spiritueuses appartenant aux membres de la dite Association. Et lui payer ses dépens. Après que par acte du 23 mai 1942 le dit Quin a fait niance d'avoir commis le dit crime et a dit ne vouloir faire choix d'un Avocat pour son Conseil.

30

ATTORNEY GENERAL : I will just read over the charges as they are not represented. Burton, Quin and Friend you are charged with having by night during December 1941 when you were members of the Salaried Police, either alone or with accomplices, broken into a store on the Quay which was used by Mr. Harold Francis Le Lièvre for the storage of spirituous liquors belonging to the Alliance Club and with having taken, stolen and removed twenty bottles or thereabouts of spirits belonging to the Club. In so far as Quin and Friend are concerned these charges are brought on their own confessions but so far as Burton is concerned, there is no confession.

40

With regard to your plea on 23rd May, Quin, you still maintain your plea of "not guilty"?

ACCUSED QUIN : Guilty, Sir.

ATTORNEY GENERAL : The Court will remember on the 23rd May Quin pleaded not guilty but now he wishes to plead guilty.

So far as you are concerned, Burton, you still maintain you are not guilty?

ACCUSED BURTON : Not guilty, Sir.

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Advocat
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and Quin

10 ATTORNEY GENERAL : I will call various witnesses :—
Acting Inspector Langmead, Mr. Le Lièvre, Sergeant Banneville, Smith, Harper and Friend.

I shall probably also want to call Friend as a witness. I claim I am entitled to do that in view of his plea and Quin now that he has also pleaded guilty might be a witness as well.

THE BAILIFF : Now, Burton, have you any witnesses at all to call?

A. None, whatever.

Q. Do you wish the witnesses to retire?

A. I ask for them to retire please.

20 ATTORNEY GENERAL : That would also apply to Smith and Friend and Quin as well.

(All these witnesses were sworn in, and retired).

ATTORNEY GENERAL : I am in rather a difficult position. My remarks will apply to the accused who will be called as witnesses but who are not in the Court. Perhaps I can deal with them separately and just take this case of Burton alone.

THE BAILIFF : Would it be as well to find them guilty first?

(The accused Quin and Friend were recalled to the Courtroom).

30 ATTORNEY GENERAL : Mr. Bailiff and Gentlemen. This case concerns the robbery of about twenty bottles of spirits from a store along the Quay belonging to or rented by Mr. Harold Francis Le Lièvre. In this store there was a quantity of spirits put by for safety sake belonging to the Alliance Club. Now it is alleged that the robbery took place during the night, during last December and that the three prisoners were concerned at that time, and were members of the Police Force. It will be alleged that the door was forced open by Burton. That door was secured by a sliding bolt and a padlock. On the 18th December last Mr. Le Lièvre reported at the Police Station that the store had been entered between 5 p.m. on the 16th December and 10 a.m. on the 17th December and that about 20 bottles of spirits had been stolen. Investigations were made
40 at the time but nothing really resulted therefrom until the German Police Force had occasion to make enquiries in connection with other matters and then this matter came to light and the prisoners have made various statements as a result of which our Police Force saw them and followed up the statements.

THE BAILIFF : The investigations were made by the Guernsey Police?

A. Yes, after Mr. Le Lièvre had reported but nothing was discovered until the statements were made to the German Police. The prisoners were

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and Quin

seen ; as a result of the interview Quin and Friend made statements. Burton did not. Perhaps I had better put in those two statements. Besides the statements I would say these two men, Quin and Friend, were before the Lower Court and after being charged and being cautioned by the magistrate, they both admitted the offence in the words " I am guilty ". When they were before the Court on the 23rd May Quin stated he was not guilty but Friend said he pleaded guilty. As you have heard this morning Quin withdraws his plea of not guilty and now puts in a plea of guilty.

Burton did not plead guilty.

10

PROSECUTION EVIDENCE

No. 47
Prosecution
Evidence.
Acting
Inspector
Langmead

No. 47.

Sergeant Langmead (Called).

ATTORNEY GENERAL : I would like you to put in that statement, Inspector Langmead.

A. On the 16th May, Sir, at the Prison I saw Quin who was then a prisoner. I told him I was making an enquiry, I cautioned him and he made a statement which I took down in writing and which he signed. The statement reads :—

" I would like to say that sometime in the middle of December 1941, 20
Burton came to the Station about 1 a.m. for supper. He said he knew where there were some spirits in a store on the Quay. Burton, Friend and myself went to the store just before 4 a.m. Burton unlocked the padlock, we entered the store and took about 18 to 20 bottles of spirits from a shelf.

We took the bottles to Harper's flat just after 4 a.m. Harper was in bed, he got up, he opened a bottle, we all drank some and Burton, Friend and I went back on duty. I did not tell Harper where it had come from, but one of the others may have.

I took home two bottles, I believe it was whisky. I knew it was 30
Le Lievre's store ".
He signed that statement.

Q. And was that statement perfectly voluntarily made ?

A. Yes, Sir.

Q. (To accused Quin) : Have you any question to ask the Inspector ?

A. No, Sir.

(The witness withdrew).

No. 48.**Sergeant Banneville (Called).**In the
Royal
Court —

ATTORNEY GENERAL : I believe that sometime during the month of May, you saw Friend with regard to the robbery at Le Lièvre's store ?

No. 48
Prosecution
Evidence.
Sergeant
Banneville

A. Yes, Sir, on the 10th May at Fort George I saw the accused Charles Albert Friend. I told him it was alleged that he had made a statement to the German Police. I read the statement to him and cautioned him. After being cautioned he made a voluntary statement to me which I took down. He stated :—

10 "Some time in November or December 1941 one night or early morning it may have been 1.30 a.m., we were on night patrol, I was in the company of P.C.'s Quin and Burton, we went to a store near the Pier Steps, somewhere near there. At the time I did not know it was Le Lièvre's business premises but I know now. I cannot say whether the padlock was opened with a key, it was dark, but I remember Burton opening the door with a piece of iron, he forced the door open. Quin, Burton and myself went inside, we had a look around and we saw a quantity of spirits on shelves, we put several bottles in a sack, from there we went into Harper's flat. We left the bottles there, I believe
20 it was on a sofa. It was then getting late about 4.30 a.m. After 6 a.m. I went down with Burton to Harper's flat. I took three bottles, one bottle of whisky, one bottle Port and one bottle of White Wine. I took these three bottles home. I took them to my bedroom. I had them myself. I have read this statement it is true".

He signed it C. A. Friend, Sir.

Q. Was that statement quite voluntarily made ?

A. Yes, quite voluntarily made and after he had read the statement which he had made to the German Police.

Q. (to accused Friend) : Have you any question to ask ?

30 A. No, Sir, no questions.

No. 49.**Judgment in the case of Friend and Quin.**No. 49
Judgment
in the
case of
Friend and
Quin

ATTORNEY GENERAL : I would ask the Court to pass a formal verdict of guilty on Quin and Friend on that charge.

THE BAILIFF : Well, Gentlemen, you have heard the confessions made by these two men, Friend and Quin, and I will ask the Court to formally find them guilty of this crime. Are you all of the same opinion ?

THE COURT unanimously agreed.

Friend and Quin, you are both formally found guilty of this crime.

40 ATTORNEY GENERAL : It now clears the air to the extent that we are left with Burton. Mr. Bailiff and Gentlemen, we have to prove this charge against him. At no stage of the proceedings has he admitted being implicated in any way at all.

In the
Royal
Court —

PROSECUTION EVIDENCE

No. 50.

Mr. Le Lièvre (Called).

No. 50
Prosecution
Evidence.
Mr. Le
Lièvre

- ATTORNEY GENERAL : What is your full name, Mr. Le Lièvre ?
- A. Harold Francis Le Lièvre.
- Q. Where do you live ?
- A. St. Lawrence, Brock Road, St. Peter Port.
- Q. What is your position in the Alliance Club ?
- A. I am the President.
- Q. Can you tell the Court what happened during July 1940 with regard to the spirits belonging to the Club ? 10
- A. I stored some twenty bottles of spirits in a store which I was renting at the Esplanade.
- Q. Which Esplanade do you mean ?
- A. The building below from the Westminster Bank. That's along the Quay.
- Q. Now how is that store secured ?
- A. It was secured by a strong padlock and a bolt.
- Q. Now what happened in December ? Did anything happen ?
- A. On Tuesday December 16th at 5 p.m. we left the store intact, locked it up and left it intact. On Wednesday, the next day, at 10 o'clock my storeman reported that the door was unlocked. I went along to investigate and saw that the padlock was missing. The bolt was still in its place but the store had evidently been opened. I went into the store, had a look round to see if anything was touched and I noticed that these bottles of spirits had been taken. I reported the matter then to the Inspector Langmead. 20
- Q. You told the Court that in July 1940 you put spirits in the store. Can you tell the Court what spirits there were in December 1941 ? How many bottles there were ?
- A. I am afraid I cannot tell the exact amount, there were about approximately 20 bottles, value about £8. 30
- Q. You do not know who committed the theft ?
- A. I have no knowledge whatever.
- Q. (to accused) : Have you any question to put to the witness ?
- A. No, Sir.

(The witness withdrew).

No. 51
Prosecution
Evidence.
W. G. Quin
Examina-
tion

No. 51.

W. G. Quin (Called).

- ATTORNEY GENERAL : You full name is William George Quin ?
- A. Yes, Sir. 40
- Q. Now, will you tell the Court what you know of this theft of spirits from the store on the Quay ?
- A. I went there accompanied with Friend and Burton on the night in question and we went into the store and took some bottles out.

- Q. You went into the store with Burton and Friend and you took some bottles out? In the Royal Court —
- A. Yes, Sir, a small quantity.
- Q. Are you sure that Burton was one of the men? No. 51
- A. I am almost sure. Prosecution Evidence.
- Q. Are you sure or almost sure? W. G. Quin Examination
- A. Yes, I am sure, Sir.
- Q. And the other one was Friend?
- A. Yes, Sir.
- 10 Q. How did you get in the store?
- A. The door was unlocked by a key that Burton had. I did not see him open it but I understand he opened it.
- Q. (to accused): Burton, any question to ask?
- ACCUSED BURTON: You state in your evidence that I came to the Station at 1 o'clock for supper. Is that true? Cross Examination
- WITNESS: That's right.
- Q. Where were you before 1 o'clock?
- A. Patrolling.
- Q. Who with?
- 20 A. With Friend.
- Q. What time did I come to the Station?
- A. 1 o'clock or thereabouts.
- Q. And who was with you when I came in?
- A. There were several others.
- Q. Friend was not on duty.
- A. I believe he was.
- Q. Friend was not on duty that night?
- A. He was.
- Q. Who was the Sergeant in charge?
- 30 A. I forget that.
- Q. You forget. Where had I been when you came?
- A. I do not know.
- Q. We were patrolling together until a quarter to one, the three of us.
- A. We patrolled up to midnight, 12.30 and Friend and I went to the Station for supper and left you on duty alone.
- Q. That's a lie, Sir. The three of us returned to the Station at quarter to one in the morning.
- ATTORNEY GENERAL: The right time is 4 a.m.
- 40 WITNESS: The three of us, after supper, went on patrol. That's how we came together after midnight. Re-examination
- ATTORNEY GENERAL: Where did you go?
- WITNESS: Patrolling around the town first of all, Sir, then we went to the store, this store of Mr. Le Lièvre.
- ACCUSED: That's not true, Sir.
- ATTORNEY GENERAL: Have you any other question you want to put to the witness? Cross Examination
- Q. Did I show you a key?
- A. No. I did not see a key.

In the
Royal
Court —

No. 51
Prosecution
Evidence.
W. G. Quin
Cross-
Examina-
tion

Q. Is it not remarkable that we were patrolling and that I did not mention anything about having a key?

ATTORNEY GENERAL: Any further question to ask?

A. No, Sir.

(The witness withdrew).

No. 52.

C. A. Friend (Called).

No. 52
Prosecution
Evidence.
C. A.
Friend
Examina-
tion

ATTORNEY GENERAL: Your full name is Charles Albert Friend?

A. Yes, Sir.

Q. Now will you tell the Court what you know about this robbery from Le Lièvre's store? 10

A. It was early in December, Sir, I was on night patrol with P.C.'s Quin and Burton and we went down to this store along the front and broke into it, took the spirits, put some in a sack and took it to Sergeant Harper's flat.

Q. Now, are you quite sure that Burton was one of the party?

A. Yes, I am almost sure of it.

Q. Almost sure. Have you the slightest doubt about it?

A. No, Sir, he was with us.

Q. And then you said you went there, put the spirits in a sack and went to . . . ? 20

A. Sergeant Harper's flat.

Q. Did you see Sergeant Harper there?

A. He was in bed when we arrived but he got up.

Q. And he joined you?

A. Yes, he joined us.

Q. (to accused): Have you any question to put to the witness?

ACCUSED: What time did I return to the Station?

WITNESS: What do you mean exactly?

Q. What time did I return to the Station? 30

A. I do not remember.

Q. Are you aware that Quin, that you and he were in the Station at 1 o'clock. Were you there at 1 o'clock when I came in?

A. I do not remember, I only remember . . .

Q. Were you at the Station when I came in?

A. I would not swear to that, I am not sure.

Q. You did not hear me say that I knew where there was a store?

A. No.

Q. Did you see me force the door open?

A. No. 40

Q. Did you see me use a key?

A. No.

ACCUSED: That's all, Sir.

(The witness withdrew).

Cross-
Examina-
tion

No. 53.

J. Harper (Called).

In the
Royal
Court —No. 53
Prosecution
Evidence.
J. Harper
Examina-
tion

ATTORNEY GENERAL : Your full name is Jack Harper ?

A. Yes, Sir.

Q. And you were a Sergeant in the Police Force ?

A. Yes, Sir.

Q. Now will you tell the Court what you know of the robbery of spirits from Le Lièvre's stores ? And who was concerned with it.

10 A. At 4.30 a.m. one morning in November I was wakened from my bed by a knock on the door. I opened the door and saw three Police officers. They stated to me " We have brought you a little present, Sergeant," and I noticed that they had three or four bottles of alcohol, spirits. I went into my sitting-room and I said to them " Where did you get these bottles from ", they said, I understood them to say " We got them from a store on the front " or words to that effect. I opened a bottle of whisky and we partook of same. They then left and went on their beat. The Police officers concerned were Police Constable Quin, Friend and I believe Burton.

Q. You say you believe it was Burton. Have you any doubt ?

20 A. My mind was in a state of confusion then and I would not be absolutely certain on that.

Q. You say they were three ?

A. Burton, I believe, Burton, Friend and Quin.

Q. (to accused): Have you any question to ask ?

ACCUSED : You stated in the German Court if you will remember that " Burton had never brought anything to my flat ".

Cross-
Examina-
tion

A. Yes, I did.

Q. Are you quite sure that I have brought anything to the flat ?

A. I am not sure.

30 Q. Have I ever had any conversation with you since the alleged robbery which I am supposed to be concerned in ?

A. None whatever.

Q. So that accounts for me never asking you for any share ?

A. Yes, that could account for it.

ACCUSED : That's all, Sir.

(The witness withdrew).

40 ATTORNEY GENERAL : This case, Mr. Bailiff and Gentlemen, is rather a difficult case, the only evidence which I can bring forward is really the evidence of accomplices. So that the Court may know the Law on that, I shall read from Taylor on Evidence, Volume 1, Page 661.

Avocat
Général
Délégué

" It remains only to mention the case of accomplices, who are usually interested and always infamous, witnesses, and whose testimony is admitted from necessity, it being often impossible, without having recourse to such evidence, to bring the principal offenders to justice. The degree of credit, which ought to be given to the testimony of

In the
Royal
Court —
—
Avocat
Général
Délégué

an accomplice, is a matter exclusively within the province of the jury. It has sometimes been said, that they ought not to believe him, unless his testimony is corroborated by other evidence ; and, without doubt, great caution in weighing such testimony is dictated by prudence and reason. But no positive rule of law exists on the subject ; and the jury may, if they please, act upon the evidence of the accomplice even in a capital case without any confirmation of his statement”

Well, in this case, Mr. Bailiff and Gentlemen, the only evidence I have is the evidence of the accomplices. The accomplices are Friend and Quin. You have heard from Mr. Le Lièvre that there has been a theft and Quin and Friend both admit their guilt but Burton has not and the only evidence we have, as I say, is those two men who took part in the robbery. Then we also have the evidence of Harper who admitted having received some of the stolen goods. You heard his evidence and from that there is a doubt in his mind, a shadow of doubt, as to whether Burton was there. If it is of any help to the Court, the Police Inspector Langmead has the list of men who were on duty that night but I do not think that will help very much to connect the prisoner with the crime. If the Court would like to hear of that list, or see that list, we have it here. 10 20

Prosecution
Evidence.
Acting
Inspector
Langmead

Acting Inspector Langmead (Called).

ATTORNEY GENERAL : Will you tell the Court who were the men on duty on the 16th/17th December ?

A. The shift for that night included Sergeant Duquemin, P.C.'s Marsh, Friend, Tardif, Burton and Quin, Sergeant Harper was on at 6 a.m.

Q. Burton was on duty that night ?

A. Yes, Sir.

(The witness withdrew).

No. 54
Evidence
for the
Defence.
Burton

EVIDENCE FOR THE DEFENCE

30

No. 54.

William Burton.

THE BAILIFF : Burton, have you anything to say to the Court ?

ACCUSED : I have only this to say, I never entered Le Lièvre's store, or stole any bottles, or taken any to Harper's flat. I have been a Police officer for eighteen years and I have never, alone or with others, broken into any store and stolen from my own people. That's all, Sir.

Q. It was supposed to be 4 a.m. in the morning ?

A. I was on duty and I was in the Station.

Q. You were not with the others, Quin and Friend ?

A. I will frankly admit I was in the Station sleeping. 40

ATTORNEY GENERAL : I submit, Mr. Bailiff and Gentlemen, that the evidence of these two men is to be believed, and that is supported to a certain degree by Harper's evidence but I know if the Court has the slightest doubt, they will give him the benefit of the doubt.

In the
Royal
Court —

THE BAILIFF : I have been asked to put a question to Burton.
When you were asleep, was there anyone else there ?

No. 54.
Evidence
for the
Defence.
Burton

A. The Sergeant was there, and as far as I know, Tardif was also there.

Q. And you did not call them as witnesses ?

A. I have not called them as witnesses, Sir.

10 THE BAILIFF : I would have no objection to their being heard, and he is not legally represented.

ATTORNEY GENERAL (to Langmead) : Is it possible to get hold of them, Sergeant Langmead ?

A. Yes, I think so Sir.

Q. Are they in custody ?

A. Yes, they are both in custody.

ATTORNEY GENERAL : We can get them, Gentlemen, for this afternoon. This matter can stand over till then. Is there anybody else, Burton, that you would like at the same time ?

20 A. I cannot think of anybody else.

(Resumed hearing of this case).

ATTORNEY GENERAL : If the Court is agreeable, I would suggest continuing the case against Burton. Now the Court will remember that the prisoner asked for two witnesses. They are both in the precincts of the Court. Will the Court hear them ?

THE BAILIFF (to accused) : You asked for these two witnesses ?

A. Yes, Sir.

(The two witnesses, Duquemin and Tardif, sworn in).

No. 55.

30

F. Duquemin (Called).

No. 55
Evidence
for the
Defence.
F. Duque-
min

ACCUSED BURTON : You remember on the 16th December, I was on night-duty with you ?

A. I could not say. I do not remember.

Q. Can you remember that I laid down in front of the fire and you called me ?

A. I could not say. These men would come into the Station, some would sit down, some would play cards, some would fall off to sleep. I could not say. It is such a long time back. I know the men used to sit in the Station.

40

(The witness withdrew).

In the
Royal
Court —

No. 56.

A. L. Tardif (Called).

No. 56
Evidence
for the
Defence.
A. L. Tardif

Q. What is your full name?

A. Archibald Lloyd Tardif.

Q. I would like to ask the same question, whether he remembers me going to sleep, between 1 and 5 a.m. on December 16th?

A. I cannot remember any date. I know it is fact that some days some of us would stay in the Station and I know that Burton has laid down in front of the fire while we have been sitting around. Whether he did so on this particular occasion or not, I could not swear to it, Sir.

ATTORNEY GENERAL (To accused): Any other question?

A. No, Sir.

(The witness withdrew).

ATTORNEY GENERAL: Now will you address the Court on the charge Burton?

ACCUSED: Well, Sir, I can only say what I have already said, that I have never, at any time, broken into Le Lièvre's stores, stolen bottles and taken them to Harper's flat. I cannot say anything else, Sir, but that.

ATTORNEY GENERAL: In this case, sir, a prosecution depends on the evidence of accomplices, the evidence of Friend, Quin and Harper. We have heard their evidence this morning. Quin and Friend you have found guilty of this stealing and the question is whether Burton was one of the party. You have also heard the evidence of Harper. That evidence is not very conclusive. He told you that he was not absolutely positive that he was one of the three. He told you that three men did come to his flat and brought bottles of spirits and two of them were Friend and Quin and there is another one and he thought it was Burton but he was not absolutely positive on that. You will have to decide, Gentlemen, whether the evidence I have brought before you is sufficient. I submit that it is but of course that is left to the Court to decide. I ask for a conviction.

Avocat
Général
Délégué

The Bailiff

THE BAILIFF: Well, Gentlemen, this is one of those unsatisfactory cases in which the evidence is composed of evidence of accomplices and accomplices only. We put off the case this morning so that two witnesses could be brought down on Burton's request to prove that he was at the Police station at 4 o'clock on that morning. From their confession Quin and Friend think it was about that time. Well, the witnesses have been before us and they can say absolutely nothing one way or the other. They simply say that officers who are not patrolling, sit in front of the fire. Neither of them can say definitely that on that particular day and at that particular time Burton was there. It gets us no further as far as releasing Burton of the suspicion, the grave suspicion that he was with Quin and Friend at that time. You have heard Quin's and Friend's evidence. They are quite positive that Burton was with them at the time of the breaking in but as I say, their testimony has to be accepted with very great reservation as they were accomplices in the crime with

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Burton, if Burton was there. The point is uncorroborated by no one else. Harper, who was also an accomplice, a receiver of stolen goods, was a little doubtful. He became more doubtful as the case went on. He became very doubtful as to whether Burton was present or not with Friend and Quin. On the other hand Friend and Quin are positive that Burton was with them but I am bound to tell you, as in every case, that you have to accept the accomplices' evidence with very great suspicion. It does not mean you need not accept it. You can accept it, but I am bound to warn you that it is not always convincing. You must consider whether or not there is sufficient evidence to corroborate this.

In the
Royal
Court—
The Bailiff

No. 57.

Judgment in the case of Burton.

No. 57
Judgment
in the
Case of
Burton

JURAT SIMON : I give him the benefit of the doubt.

JURAT ROUSSEL : I find the evidence is not satisfactory and I give him the benefit of the doubt.

JURAT GALLIENNE : The benefit of the doubt.

JURAT DOREY : I am not satisfied with the evidence.

JURAT DE GARIS : I am not satisfied either.

20 JURAT CAREY : I am not satisfied.

JURAT FALLA : Benefit of the doubt.

JURAT SARRE : Benefit of the doubt.

THE BAILIFF : The Court give you the benefit of the doubt and acquits you.

Avocat Général Délégué

v.

**William Burton,
Charles Albert Friend,
Frederick Winzer Short
et**

William George Quin.

Case of
Avocat
Général
Délégué
v Burton,
Friend,
Short and
Quin

30

H.M.'s GREFFIER reads the Causes.

L'Avocat Général Délégué

Actionne WILLIAM BURTON fils de Francis John natif de cette Ile agé de 46 ans ou environ, prisonnier dans le prison publique—à le voir soutenir sa preuve en la cause qu'il a contre le dit Burton—à se voir adjuger aux peines et punitions imposées par les lois pour avoir le dit Burton nuitamment vers la fin de novembre 1941, lorsqu'il était membre de la Police Salariée de cette Ile, soit seul ou avec autre son complice ou autres ses complices,

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Général
Délégué
v Burton,
Friend,
Short and
Quin

felonieusement avec éffraction et avec force et violence forcé la porte qui était fermée à clef et au cadenas d'un magasin situé sur le quai du Havre de Saint Pierre Port en la dite paroisse faisant partie des premisses dites " Waterloo House " situées au No. 27 Grande Rue en la dite paroisse appartenant à la Société dite " Bucktrout & Company Limited " et être entré dans le dit magasin et avoir pris volé et emporté du dit magasin huit bouteilles ou environ de liqueurs spiritueuses et de vin appartenant à la dite Société, et lui payer ses dépens. Après que par acte du 23 mai 1942 le dit Burton a fait niance d'avoir commis le dit crime et a dit ne vouloir faire choix d'un Avocat pour son Conseil.

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L'Avocat Général Délégué

Actionne CHARLES ALBERT FRIEND fils d'Edward James natif de cette Ile agé de 27 ans ou environ, prisonnier dans la prison publique—à le voir soutenir sa preuve en la cause qu'il a contre le dit Friend—à se voir adjuger aux peines et punitions imposées par les lois pour avoir le dit Friend—sur sa propre confession—nuitamment vers la fin de Novembre 1941, lorsqu'il était membre de la Police Salariée de cette Ile, soit seul ou avec autre son complice ou autres ses complices, felonieusement avec éffraction et avec force et violence forcé la porte qui était fermée à clef et au cadenas d'un magasin situé sur le Quai du Havre de Saint Pierre Port en la dite paroisse faisant partie des premisses dites " Waterloo House " situées au No. 27 Grande Rue en la dite paroisse appartenant à la Société dite " Bucktrout & Company Limited " et être entré dans le dit magasin et avoir pris volé et emporté du dit magasin huit bouteilles ou environ de liqueurs spiritueuses et de vin appartenant à la dite Société. Et lui payer ses dépens. Après que par acte du 23 mai 1942 cette cause à été rémise pour entendre les temoins et les conclusions de l'Avocat Général Délégué après que le dit Friend a confessé avoir commis le dit crime et a dit ne vouloir faire choix d'un Avocat pour son Conseil.

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L'Avocat Général Délégué

30

Actionne FREDERICK WINZER SHORT fils de George natif du Comte de Dorset en Angleterre agé de 31 ans ou environ, prisonnier dans la prison publique—à le voir soutenir sa preuve en la cause qu'il a contre le dit Short—à se voir adjuger aux peines et punitions imposées par les lois pour avoir le dit Short—sur sa propre confession—nuitamment vers la fin de novembre 1941, lorsqu'il était membre de la Police Salariée de cette Ile, soit seul ou avec autre son complice ou autres ses complices, felonieusement avec éffraction et avec force et violence forcé la porte qui était fermée à clef et au cadenas d'un magasin situé sur le Quai du Havre de Saint Pierre Port en la dite paroisse faisant partie des premisses dites " Waterloo House " situées au No. 27 Grande Rue en la dite paroisse appartenant à la Société dite " Bucktrout & Company Limited " et être entre dans le dit magasin et avoir pris volé et emporté du dit magasin huit bouteilles ou environ de liqueurs spiritueuses et de vin appartenant à la dite Société. Et lui payer ses dépens.

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Après que par acte du 23 mai 1942 cette cause à été remise pour entendre les temoins et les conclusions de l'Avocat Général Délégué après que le dit Short a confessé avoir commis le dit crime et à dit ne vouloir faire choix d'un Avocat pour son Conseil.

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Short and
Quin

10 Actionne WILLIAM GEORGE QUIN fils de Henry natif de cette Ile agé de 45 ans ou environ, prisonnier dans la prison publique—à le voir soutenir sa preuve en la cause qu'il a contre le dit Quin—à se voir adjuger aux peines et punitions imposées par les lois pour avoir le dit Quin—sur sa propre confession—nuitamment vers la fin de novembre 1941, lorsqu'il était membre de la Police Salariée de cette Ile, soit seul ou avec autre son complice ou autres ses complices, felonieusement avec effraction et avec force et violence forcé la porte qui était fermée à clef et au cadenas d'un magasin situé sur le Quai du Havre de Saint Pierre Port en la dite paroisse faisant partie des premisses dites " Waterloo House " situées au No. 27 Grande Rue en la dite paroisse appartenant à la Société dite " Bucktrout & Company Limited " et être entre dans le dit magasin et avoir pris volé et emporté du dit magasin huit bouteilles ou environ de liqueurs spiritueuses et de vin appartenant à la dite société. Et lui payer ses depens. Après que par acte du 23 mai 1942 cette

20 cause à été remise pour entendre les temoins et les conclusions de l'Avocat Général Délégué après que le dit Quin a confessé avoir commis le dit crime et à dit ne vouloir faire choix d'un Avocat pour son Conseil.

30 ATTORNEY GENERAL : This charge is against William Burton, Charles Albert Friend, Frederick Winzer Short and William George Quin. They are all accused of having towards the end of November 1941 when they were members of the Police Force, either alone or with accomplices, broken into a store along the Quay, St. Peter Port forming part of premises known as " Waterloo House " belonging to Messrs. Bucktrout & Co. Ltd., of having stolen, taken and removed about eight bottles of spirits and wine. This store is on the Quay level and access to the store is bordering the Quay but actually the wine and spirits were stored on the first floor. Access to that floor is gained up a flight of stone steps through a small door. That door is secured by a lock and also a sliding bolt and padlock. These cases also came first to the knowledge of our local Police through statements made by the prisoners who were all interviewed by our local Police and then Friend, Short and Quin made statements and those statements I shall read to you but as before I shall bring forward the Officers who took the statements to prove that they were voluntarily made. With regard to the prisoners when they were before the Com-

40 mital Court, after hearing the charge and being cautioned, they made the following replies :—Burton replied that he had nothing at all to say. Friend said " I have nothing to say ". Short, " I plead guilty " and Quin " I have nothing to say ". When they were before this Court on the 23rd May Burton pleaded not guilty but the other three pleaded guilty. So far as Friend, Quin and Short are concerned, it is not

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necessary for me to prove the case any further but I would call Acting Inspector Langmead, Sergeant Banneville and Acting Deputy Inspector Langmead. Will you swear these now and the others will be sworn directly.

(All three witnesses were sworn in).

ATTORNEY GENERAL: On the 16th May at the Prison . . . perhaps we had better hear the Deputy Inspector Langmead who can tell us of his interview.

PROSECUTION EVIDENCE

No. 58
Prosecution
Evidence.
Deputy
Inspector
Langmead

No. 58.

10

Deputy Inspector Langmead (Called).

On the 16th May at the Prison, I saw William George Quin. I told him I was making a further enquiry concerning the alleged entry into Bucktrout's store at the Quay. I cautioned him when he made a statement which I took down in writing and which he signed. It reads:—

“ I wish to state concerning Bucktrout's that sometime in November 1941, Burton, Short, and Friend and myself went to Bucktrout's store on the Quay. The door was shut but not locked, we went upstairs and I took two bottles of rum. I don't know what the others took.

We left the premises, shut the door and I returned to duty, I took the bottles home ”. 20

That was signed in my presence.

Q. Was that statement freely and voluntarily made ?

A. Yes, Sir.

Q. With no threat of any kind ?

A. No, Sir.

Q. (to accused): Have you any questions to ask the Inspector on that, Quin ?

ACCUSED: I would like to say that that statement was given freely.

(The witness withdrew).

30

No. 59
Prosecution
Evidence.
Sergeant
Banneville

No. 59.

Sergeant Banneville (Called).

On the 10th May at Fort George I saw the accused Charles Albert Friend. I told him I was making enquiries concerning an alleged breaking and entering into Bucktrout's store. I told him that it was alleged that he had made a statement to the German Police. I gave him the statement to read himself, he read it carefully, considered it and after being cautioned made a statement :

“ Early in November 1941, I believe it was, I was on night duty with Burton, Quin and Short, and together we entered “ Bucktrout’s ”, we went in from the Quay side, through a small door, went up some stairs onto the first floor. I cannot remember who opened the door, if I remember rightly the padlock was unlocked, the bottles were in bins and I took one bottle of wine, I don’t know what the others took ”.

In the
Royal
Court —

No. 59
Prosecution
Evidence.
Sergeant
Banneville

That was signed by him.

Q. Was that statement quite voluntarily made?

A. Yes, Sir.

10 Q. (to accused): Have you any question to ask, Friend?

A. No, Sir.

(The witness withdrew).

No. 60.

Acting Deputy Inspector Lamy (Called).

No. 60
Prosecution
Evidence.
Acting
Deputy
Inspector
Lamy

On the 16th May at the Prison I saw Frederick Winzer Short, I cautioned him and he made a statement to me. He said:—

“ Sometime about the end of November or the beginning of December 1941, I was in the Station about 2 o’clock one morning when Burton, Friend, and Quin came in. They said they had found Bucktrout’s side door open on the Quay. After supper the four of us went on patrol and eventually went to this store. The door was unlocked and we went in, up the stairs and on to the first floor. I took two bottles of Whisky. I don’t know what the others had. I left the store and carried on my beat and took the bottles home later ”.

20

That was signed F. W. Short.

ATTORNEY GENERAL (to accused): Have you any question, Short, to make?

A. Yes, Sir, I made that statement voluntarily and pleaded guilty after I had read the contents of a letter. I know in my own mind I have never entered this store for any illegal purpose.

30 Q. (to witness): This statement was voluntarily made by the prisoner?

A. Yes, Sir. In his statement Short said he took two bottles of Whisky.

ATTORNEY GENERAL: I would ask the Court to pass a formal conviction against these three men, Friend, Short and Quin and then we will deal with Burton separately. I do not know whether these men have anything to say on their own behalf.

BAILIFF: Friend, anything you would like to say before we pass sentence on you?

A. No, Sir.

Q. And you, Quin?

In the
Royal
Court —

No. 61
Evidence
for the
Defence.
Quin

EVIDENCE FOR THE DEFENCE

No. 61.

William George Quin.

- A. Yes, Sir. I would like to say that the statements I made first to the Military Authorities were untrue and also to the Deputy Inspector and I would also like to say that I never entered this store.
- Q. You cannot repute that statement. You made it perfectly voluntarily.
- A. Yes, Sir, but I would not have done so except for the fact that I was shewn something else, Sir. If it had not been for the statement I was forced to make I would not have made a statement to the Acting Inspector because I have never been into the Bucktrout's store. 10
- THE BAILIFF: This is most irregular. You make a statement.
- ATTORNEY GENERAL: He has pleaded guilty.
- THE BAILIFF: You have pleaded guilty and you wish to repudiate what you have actually said.
- A. I was forced to plead guilty, I had to admit it.
- THE BAILIFF: Nobody is forced to do anything, not in this court anyway. You come here and pretend that you made a statement voluntarily to the Police officer because of other things. You were not forced to make this statement before Police Sergeant Lamy. I cannot accept a withdrawal of this confession. 20
- THE BAILIFF: And you, Friend, what have you to say?

No. 62
Evidence
for the
Defence.
Friend

No. 62.

Charles Albert Friend.

- A. I have only been in Bucktrout's on one occasion. I was confronted with two of my colleagues who insisted I had been with them and I had to admit it.
- Q. You say you only went in once?
- A. Yes, on one occasion.
- Q. Is this the occasion with Burton, Short and Quin? 30
- A. I went with Burton, Whare and myself.
- Q. That is the next case?
- A. Yes.
- Q. You have admitted here, according to your own statement, that you went in with Burton, Quin and Short?
- A. Yes, I had to admit it, to make this statement to check with the other statement I had made.
- Q. Short, do you wish to make a statement?

No. 63.**Frederick Winzer Short.**

In the
Royal
Court —
No. 63
Evidence
for the
Defence.
Short

A. Like I have already said, in consequence of a letter shewn to me, I pleaded guilty. In my own mind I have never entered this store with the purpose of stealing.

Q. In the confession you state that you had taken two bottles ?

A. Yes, Sir.

ATTORNEY GENERAL : I ask for a formal conviction.

No. 64.**Judgment in the case of Friend, Short and Quin.**

No. 64
Judgment
in the
Case of
Friend,
Short and
Quin

10

BAILIFF : Well Gentlemen, there is a statement that they have taken several bottles from this store. We have to accept that it is true and correct and therefore I ask for your formal conviction and find them guilty.

THE COURT unanimously agreed.

ATTORNEY GENERAL : We will take the case of Burton. I have several witnesses to call : Mr. Adam, Friend, Short, Quin.

(These witnesses were sworn in).

Q. (to accused) : Do you wish the witnesses to retire ?

A. No, Sir.

20

PROSECUTION EVIDENCE**No. 65.****W. G. Quin (Called).**

No. 65
Prosecution
Evidence.
W. G. Quin

ATTORNEY GENERAL : Now, will you tell the Court what you know about this robbery of about eight bottles of spirits from Bucktrout's during November 1941 ?

A. Well, except for what is in my statement to the German Authorities I know nothing about it. What was read to me from the statement made by somebody else, I know nothing about Bucktrout's store, although I have made a confession.

30 Q. Can you tell the Court whether Burton was with you ?

A. No, Sir.

Q. (to accused) : Have you any question to ask ?

A. Only that I was never on duty with these men, Sir.

Q. Have you any question to ask on his evidence ?

A. No, Sir.

(The witness withdrew).

In the
Royal
Court —

No. 66.

C. A. Friend (Called).

No. 66
Prosecution
Evidence.
C. A.
Friend
Examina-
tion

ATTORNEY GENERAL: Your full name is Charles Albert Friend?

A. Yes, Sir.

Q. Will you tell the Court what you know of this robbery at Bucktrouts?

A. Sometime in November I was confronted with P.C.'s Quin and Short under certain conditions that I had been with them at Bucktrout's store. After I had been confronted by them, I made a statement you have there.

Q. Can you tell the Court whether Burton was with you?

A. On one occasion I went, Burton was with me. 10

Q. Who were the others?

A. P.C. Whare.

Q. But in this case it is alleged that you went there with Burton, Quin and Short?

A. Yes, I was confronted by Quin and Short and I had no option but to make a confession.

Q. On the occasion that Quin, Short and you went to the store, it is alleged that Burton was with you?

A. I have never been with the three of them, only with Whare and Burton.

Q. Burton was not there? 20

A. Not on that occasion.

BAILIFF: How was it that you were confronted with Quin and Short?

A. They told me that they had been so I had no option but to make a statement.

Q. They cannot force you to make a statement, and you made this statement.

A. Yes, I admit making this statement. I have only been there on one occasion.

Cross-
Examina-
tion

Q. (to accused): Now, Burton, have you any question to ask?

A. Yes, Sir. (to witness): When I was confronted with you, Quin and Short in the Court Room, what did I tell you? 30

A. You said "I had never been there".

Q. I said that?

A. Yes, not with Quin and Short.

(The witness withdrew).

No. 67
Prosecution
Evidence.
F. W.
Short
Examina-
tion

No. 67.

F. W. Short (Called).

ATTORNEY GENERAL: Your full name is Frederick Winzer Short?

A. Yes, Sir.

Q. Will you tell the Court what you know of this robbery during November 1941? 40

A. I cannot tell the Court anything.

- Q. You put in a statement or a confession " About 2 o'clock one morning Burton, Friend and I came to the Station and after supper the four of us went on patrol and went to Bucktrout's store ".
- A. Yes, Sir.
- Q. You made a statement to Sergeant Lamy on the 16th May?
- A. Yes, that was similar to another statement we made in a certain quarter which I am alleged to have made. I was in a state of confusion when I made that statement and at that time discretion was the better part of valour so I made a statement. As a matter of fact I have no recollection of having been on duty with these men.
- 10 Q. (to accused): Have you any question to ask?
- ACCUSED: In the Court room in the presence of a member of the German armed forces when I was confronted with you, what did I say?
- A. That you had never been in Bucktrout's store with us.
- Q. Have I ever been in there with you?
- A. No.
- THE BAILIFF: Will you now tell the Court, Burton, your answer to this charge

In the
Royal
Court —

No. 67
Prosecution
Evidence.
F. W.
Short
Examina-
tion

Cross-
Examina-
tion

EVIDENCE FOR THE DEFENCE

No. 68.

William Burton.

20

A. I am not guilty, Sir. I have never entered Bucktrout's store in my life.

The Bailiff: Well, Gentlemen, this case rests entirely on the evidence of accomplices. I need not repeat what I have already told the Court that the evidence of accomplices must always be looked upon with the greatest of caution. It is always desirable that such evidence be corroborated although it is not absolutely essential. It rests entirely with the Court to decide. You have heard the evidence given by the three accomplices, Friend, Short and Quin and you will have to decide whether that evidence is to be accepted or not. The strange part—

30 very strange in my mind—is that although they have made written statements implicating this man, still when they are here before you today, they waive, in fact they practically contradict their evidence. That will be for the Court to decide. I ask for a formal conviction. I do not know whether Burton has evidence to call in this case?

No. 68
Evidence
for the
Defence.
Burton

(*Sic*
Attorney
General)

ACCUSED: No, Sir, I have no one.

40

THE BAILIFF: I have never heard such an unsatisfactory case before the Court. The most unsatisfactory part of it is the evidence given by the witnesses, ex-constables of our Police Force and I have never seen men come forward here and repudiate what they have said voluntarily. They apparently have not got the first inclination of speaking the truth or anything to do with it. They are foreign to it and I wonder if those

In the
Royal
Court —

No. 68
Evidence
for the
Defence.
Burton

men who have brought people in the Courts were men to be trusted in the Police Force at all, and these are the men who were in charge of property for all of us in the Island. I cannot see that there is enough evidence. No doubt he has been trading on that. No doubt he knows that he has taken part in this crime. The other three men have come forward and pleaded guilty. They seem to be shielding each other in every possible way. In this particular case I cannot ask you to find this man Burton guilty because we have not sufficient evidence.

No. 69
Judgment
in the
Case of
Burton

No. 69.

Judgment in the case of Burton.

10

THE COURT were unanimous in deciding that the case had not been proved.

THE BAILIFF : The evidence is not sufficient to prove you guilty but at the same time we all have our opinion about it.

Case of
Avocat
Général
Délégué
v Burton,
Friend and
Whare

Avocat Général Délégué

v.

William Burton, Charles Albert Friend et Frank William Whare.

H.M.'s GREFFIER read the causes.

L'Avocat Général Délégué

Actionne WILLIAM BURTON fils de Francis John natif de cette Ile, agé de quarante-six ans ou environ, prisonnier dans la Prison Publique—à le voir soutenir sa preuve en la cause qu'il a contre le dit Burton—à se voir adjuger aux peines et punitions imposées par les lois pour avoir le dit Burton nuitamment vers la fin de novembre 1941, lorsqu'il était membre de la Police Salariée de cette Ile, soit seul ou avec autre son complice ou autres ses complices, felonieusement avec effraction et avec force et violence forcé la porte qui était fermée à clef et au cadenas d'un magasin situé sur le Quai du Havre de Saint Pierre Port en la dite paroisse faisant partie des premisses dites " Waterloo House " situées au No. 27 Grande Rue en la dite paroisse appartenant à la Société dite " Bucktrout & Company Limited " et être entré dans le dit magasin et avoir pris volé et emporté du dit magasin douze bouteilles ou environ de liqueurs spiritueuses et de vin appartenant à la dite Société. Et lui payer ses dépens. Après que par acte du 23 mai 1942 le dit Burton à fait niance d'avoir commis le dit crime et a dit ne vouloir faire choix d'un Avocat pour son Conseil.

20

30

L'Avocat Général Délégué

Actionne CHARLES ALBERT FRIEND fils d'Edward James natif de cette Ile, agé de vingt-sept ans ou environ, prisonnier dans la Prison Publique—
 ("Cause" as above)

Après que par acte du 23 mai 1942 cette cause à été remise pour entendre les temoins et les conclusions de l'Avocat Général Délégué après que le dit Friend à confessé avoir commis le dit crime et à dit ne vouloir faire choix d'un Avocat pour son Conseil.

In the
 Royal
 Court —
 ———
 Case of
 Avocat
 Général
 Délégué
 v Burton,
 Friend and
 Whare

L'Avocat Général Délégué

10 Actionne FRANK WILLIAM WHARE fils de Frederick natif de cette Ile, agé de quarante-huit ans ou environ, prisonnier dans la Prison Publique—
 ("Cause" as above)

Après que par acte de 23 mai 1942 cette cause à été remise pour entendre les temoins et les conclusions de l'Avocat Général Délégué après que le dit Whare a confessé avoir commis le dit crime et a dit ne vouloir faire choix d'un Avocat pour son Conseil.

20 ATTORNEY GENERAL: This charge, Mr. Bailiff and Gentlemen, is against William Burton, Charles Albert Friend and Frank William Whare and they are charged with having broken into, either alone or with accomplices, a store forming part of "Waterloo House" belonging to Bucktrout & Co. and having stolen about 12 bottles of spirits and wine. They are alleged to have done that by night and Friend and Whare are charged both on their own confession. Burton has not admitted any implication. This, Mr. Bailiff and Gentlemen, is a case very similar to the last one with which the Court has dealt with. It concerns a robbery of twelve bottles of wine and spirits from a store of Bucktrout's forming part of "Waterloo House". The store is on the first floor of the building on the Quay level and access is gained by a narrow flight of stone steps through a door on the Quay. The door is locked as well as padlocked.

30 The first intimation we had that these men were implicated was through statements made to the German Police. Those statements were investigated and statements were made by them. When they came before the lower Court on committal, having heard the charge and being cautioned by the Magistrate, Burton said "I have nothing to say now"; Whare replied "I have nothing to say" and Friend also said "Nothing to say now, Sir". As the Court will remember, on the 23rd May when they were before you Friend and Whare pleaded guilty but Burton pleaded not guilty. Before putting in the statements made to our Police officers I will call them to tell you how the statements were taken.

40 (Acting Inspector Langmead and Sergeant Banneville were sworn in).

In the
Royal
Court —
No. 70
Prosecution
Evidence.
Acting
Inspector
Langmead

PROSECUTION EVIDENCE.

No. 70.

Acting Inspector Langmead (Called).

ATTORNEY GENERAL : I believe you took a statement from one of the prisoners, Whare ?

A. Yes, Sir. On the 16th May I went to the local prison where I saw the prisoner Whare. I stated that I was making an enquiry and cautioned him when he made a statement which I took down in writing and which he signed. The statement reads :—

“About the end of November or early December 1941, with Burton and Friend I went to Bucktrout’s store on the Quay. I don’t know how the door was opened, it was dark and Burton or Friend opened it. We went into the store, went upstairs and I took one bottle of brandy and two bottles of rum. The others took three or four bottles each. 10

I went with the others to Harper’s flat. We had a drink there and then left all the bottles there. Harper was on duty but he came to his flat and was there when we got back. This would be shortly after 2 a.m. I did not take any of the bottles home, I left them all at Harper’s flat ”. 20

That was signed by F. Whare.

Q. Was that statement made voluntarily and quite freely ?

A. Quite freely, Sir.

Q. (to accused) : Whare, have you any question to ask the Inspector ?

A. That’s only a statement I made in consequence of a letter I was shewn, Sir.

(The witness withdrew).

No. 71.

No. 71
Prosecution
Evidence.
Sergeant
Banneville

Sergeant Banneville (Called).

On the 10th May at Fort George I saw the accused Friend. I told him I was making enquiries concerning an alleged breaking and entering into Bucktrout’s store. It was alleged that he had made a statement to the German Police and I gave him that statement to read. He said it was not all true but that he would make a statement. I cautioned him and he made a further statement. The statement really affects two breakings-in. 30

ATTORNEY GENERAL : It is the second part of the statement which concerns this charge. Perhaps we had better have it all.

WITNESS : Very well, Sir. It reads :—

“Early in November 1941 I believe it was, I was on night duty with Burton, Quin and Short, and together we entered Bucktrout’s, we went 40

in from the Quay side, through a small door, went up some stairs unto the first floor. I cannot remember who opened the door, if I remember rightly the padlock was unlocked, the bottles were in bins, and I took one bottle of wine, I don't know what the others took.

Again I think it was about the end of November 1941 I went into the stores again. On this occasion I was accompanied by Whare and Burton. We were on night duty together. The three of us entered the place, went through the same door, and on the first floor, on this occasion we took about four bottles each, the bottles contained spirits and wine I think, if I remember rightly. We came out of the premises through the same door, I believe the door was made secure, we then went to Harper's flat, where we left the bottles, I took one bottle of whisky for myself, I only went to these premises twice. I knew these premises belonged to Bucktrouts, I believe the main entrance is in High Street.

I have read this statement and it is true".

He signed it C. A. Friend, Sir.

Q. Was that statement voluntarily made?

A. Quite voluntarily made after considering the statement he had made to the German Police.

20 Q. (to accused): Any question to ask?

A. No, Sir, no questions.

ATTORNEY GENERAL: On the strength of those confessions and of the pleas entered by Friend and Whare, I would ask the Court to formally find them guilty. I do not know whether they wish to address the Court.

THE BAILIFF: Is there anything you wish to tell the Court before they find you guilty?

ACCUSED WHARE: No, Sir.

ACCUSED FRIEND: No, Sir.

No. 72.

30 Judgment in the case of Whare and Friend.

THE BAILIFF: I ask you to pass a formal verdict of guilty against these two men.

(THE COURT unanimously agreed).

ATTORNEY GENERAL: We will take the case of Burton. I will call the following witnesses:—Friend and Whare, Harper and Mr. Adam.

(These witnesses were sworn in).

ATTORNEY GENERAL (to accused): Do you wish these witnesses to retire?

A. Yes Please, Sir.

(The witnesses withdrew).

In the
Royal
Court—

No. 71
Prosecution
Evidence.
Sergeant
Banneville

No. 72
Judgment
in the
Case of
Whare and
Friend

In the
Royal
Court —

PROSECUTION EVIDENCE

No. 73.

No. 73
Prosecution
Evidence.
C. A.
Friend
Examina-
tion

C. A. Friend (called).

ATTORNEY GENERAL : What is your full name ?

A. Charles Albert Friend.

Q. Will you tell the Court what you know of this alleged robbery from Bucktrout's ?

A. Yes, Sir. During last November I was on night duty with P.C.'s Burton and Whare and we discovered the padlock open of Bucktrout's store. We went in and took three or four bottles each. We came out of the store, put the padlock back, and went to Harper's flat. 10

Q. Who was with you ? Was Burton one of the party ?

A. Yes, he was, and P.C. Whare.

Q. Have you any doubt about it ?

A. No, Sir.

Q. Then you took the bottles to Sergeant Harper ?

A. Yes, Sir.

Q. Did he meet you there ?

A. He was waiting for us when we got back.

Q. And you all spoke together ? 20

A. Yes.

Cross-
Examina-
tion

ACCUSED BURTON : You have just told the Court that I was there. Would it surprise you to know that I was never on duty with you and Whare in November ?

A. To my knowledge you were.

Q. That does not prove it. I deny I was at any time on duty with Whare and Friend. I have a list of duties, night duties in November and it shows that I was not with them.

THE BAILIFF : What is that document ?

A. That was a document sent to me in Prison, by Acting Inspector Langmead, copy of the duties in November. 30

THE BAILIFF : You might let me see it. (*Exhibit handed to Bailiff*). Yes, that's quite true here. Yes, but what about December, early December ? Inspector Langmead, is that paper correct ?

ACT. INSPECTOR LANGMEAD (*called*) : Yes, that would be a list of duties. As set out it would be quite possible to get replaced. Friend was on late turn at 2 o'clock. He could be put back.

Q. It does not prove that Burton could not be there ?

A. Oh No, Sir.

Q. (to witness) : And so far as you are concerned, you have no doubt whatever that Burton was with you ? 40

A. He was with me on this occasion.

(*The witness withdrew*).

No. 74.**F. W. Whare (Called).**In the
Royal
Court —No. 74
Prosecution
Evidence.
F. W.
Whare
Examina-
tion

ATTORNEY GENERAL : Your full name is Frank William Whare ?

A. Yes, Sir.

Q. Will you tell the Court who was in the party ?

A. Burton, Friend and myself.

Q. And have you any doubt whatever as to whether Burton was there ?

A. No, Sir.

Q. And what did you do after stealing the bottles of spirits and wine ?

10 What did you do with them ?

A. Took them up to Harper's flat.

Q. Was he there with you ?

A. He was there when we got there.

ACCUSED : You said that I was with you ?

A. Yes.

ACCUSED : I was not. I was never on night duty with you in November.

ATTORNEY GENERAL : You have heard what Inspector Langmead has said ?

ACCUSED : Yes, Sir.

Q. Have you any further question to put ?

20 A. No, Sir.

*(The witness withdrew).*Cross-
Examina-
tion**No. 75.****Jack Harper (Called).**No. 75
Prosecution
Evidence.
Jack
Harper
Examina-
tion

ATTORNEY GENERAL : Your full name is Jack Harper ?

A. Yes, Sir.

Q. It is alleged that towards the end of November there was a robbery from Bucktrout's store. Do you know anything about it and who participated in it ?

30 A. Yes, Sir. At 1 a.m. one morning during November 1941 I was on night duty and I had left the Police Station to go to my flat at 39 High Street. To my surprise, shortly after I was home, P.C.'s Whare, Friend and I believe Burton, came to my flat with two or three bottles of spirits. I asked them where they had had these from and they said from a store on the front or that they had had them given to them. We opened a bottle and had a drink and they went out on their beats, Sir.

Q. You said just now you believe it was Burton. Have you any doubt as to whether Burton was there ?

A. Well, I am doubtful about it. I cannot swear that it was him. There were three men, I believe Burton to be one of them.

40 ACCUSED : You know very well that I have never been to your place ?

A. Well, I may have made a mistake. I am not sure whether you came that night or that morning.

Cross-
Examina-
tion

In the
Royal
Court —

- Q. And if I had come that night why did I not have a share?
A. Yes, well I am just saying I am not sure that you did come.
(*The witness withdrew*).

No. 75
Prosecution
Evidence.
Jack
Harper

ATTORNEY GENERAL : That is my case against Burton. Perhaps he would like to make a statement.
THE BAILIFF : Do you wish to address the Court ?

EVIDENCE FOR THE DEFENCE

No. 76
Evidence
for the
Defence.
Burton

No. 76.

William Burton (Called).

ACCUSED : I only want to tell the Court that I never went to Bucktrout's store or taken any bottles and been to Harper's flat. 10

Q. In spite of what Whare and Friend have said ?

A. Yes, Sir.

Q. They are lying.

A. I would not say they were lying but they made a mistake.

ATTORNEY GENERAL : In this case, gentlemen, my case rests entirely on the evidence of these accomplices. Two of these men actually admit having taken part in the robbery, and the other witness we have heard is ex-Sergeant Harper who has a doubt in his mind as to whether Burton was with the party. Adam I have not called but I had him here in case the Court wished to ask him any question. The whole matter rests on the evidence of these two accomplices and as you have told the Court their evidence is naturally tainted and the Court has to accept it as such. It does rest with the Court whether they will accept it or not and I ask for a conviction. 20

THE BAILIFF : Well, Gentlemen, this is again a case in which the only evidence is from accomplices. The two accomplices were Friend and Whare and Harper who was a receiver of stolen goods, Harper conveniently does not remember whether Burton was one of the party or not but Friend and Whare are quite certain on the point that he was with them. I do not know whether I made it quite clear, the Court can accept the evidence of an accomplice but I have to warn the Court that the accomplice as a witness is most unreliable as you have no doubt realised yourself. The whole of the evidence we have before us in this case, as in every case, is tainted evidence and most unreliable and whether it would be right for you to find this man Burton guilty, I am very doubtful. Friend, Whare and Harper, they are all unreliable but at the same time that's the only evidence which has been able to be called against Burton on this particular case. 30

No. 77.**Judgment in the case of Burton.**

THE COURT unanimously decided that the evidence was insufficient.

THE BAILIFF: The Court finds you, Burton, not guilty and gives you the benefit of the doubt and you are acquitted.

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Royal
Court —

—
No. 77
Judgment
in the
Case of
Burton

Avocat Général Délégué

v.

Jack Harper.

Case of
Avocat
Général
Délégué
v Harper

10 H.M.'s GREFFIER read the Cause

L'Avocat Général Délégué

Actionne JACK HARPER fils de William Henry natif de Comte de Devon en Angleterre agé de 42 ans ou environ, prisonnier dans la prison publique— à se voir adjuger à telle peine punition ou châtiment corporal que la Cour trouvera condigne pour avoir le dit Harper sur sa propre confession—soit seul ou avec autre son complice ou autres ses complices dans le mois de decembre 1941 en cette Ile lorsqu'il était membre de la Police Salariée de cette Ile, reçu et recélé et eu en sa possession cinq bouteilles ou environ de liqueurs spiritueuses, le dit Harper sachant lorsqu'il reçut les dites 20 bouteilles de liqueurs spiritueuses qu'elles avaient été volées par William Burton, William George Quin et Charles Albert Friend ou par aucun d'eux, ITEM, pour avoir le dit Jack Harper—sur sa propre confession—soit seul ou avec autre son complice ou autres ses complices, vers le fin de novembre 1941 en cette Ile lorsqu'il était membre de la dite Police Salariée, reçu et recélé et eu en sa possession quatre bouteilles ou environ de liqueurs spiritueuses et de vin, le dit Harper sachant lorsqu'il reçut les dites bouteilles de liqueurs spiritueuses et de vin qu'elles avaient été volées par William Burton, Frank William Whare et Charles Albert Friend ou par aucun d'eux, le tout a l'infraction des lois trouble de l'ordre public. Et lui payer ses 30 dépens.

ADVOCATE LANGLOIS: Mr. Bailiff and Gentlemen. On the 10th May the accused Harper chose me to defend him. Those instructions have been subsequently withdrawn and it has been decided that Harper will conduct his own defence.

ATTORNEY GENERAL: You no longer represent him?

A. No, I do not represent him.

ATTORNEY GENERAL: This charge, Mr. Bailiff and Gentlemen, since Advocate Langlois is not representing him, I will just run through rapidly the

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Court —
—
Case of
Avocat
Général
Délégué
v Harper

charge against the accused. He is accused with having, on his own confession, received five bottles of spirits which he knew had been stolen by Burton, Quin and Friend or any one of them and also on his own confession with having received four bottles of spirits well knowing them to have been stolen by Burton, Whare and Friend or any one of them. These charges are also as a result of statements made by the accused to the German Police and those statements were investigated by our own Police as a result of which Harper made certain statements, statements which I shall put in directly. When he came before the Police Court he replied, after being cautioned by the Magistrate, " I have nothing to say ". 10

There are two counts against Harper in this charge. The first count is for receiving five bottles of spirits and the second one four bottles of spirits. It is alleged the first lot came from the robbery at the Alliance Club and the second from Bucktrout's stores. When Harper came before this Court on 23rd May he pleaded not guilty to the charges. I do not know whether he still maintains that plea ?

ACCUSED : I plead not guilty, Sir.

ATTORNEY GENERAL : In that case, Mr. Bailiff and Gentlemen, I shall call Inspector Langmead to put in the statements, the confessions which were made by the prisoner. 20

PROSECUTION EVIDENCE

No. 78
Prosecution
Evidence.
Acting
Inspector
Langmead

No. 78.

(Acting Inspector Langmead sworn in)

Acting Inspector Langmead (Called).

On the 16th May at the local Prison I saw the prisoner. I told him of the statements he was alleged to have made to the German Police and also statements I had received from other men in custody, that he would probably be charged with receiving bottles of spirits when he said :—

"The translation of the statements alleged to have been made by me are not all true. I wish to state that I am concerned in receiving a number of bottles of spirits which I knew were stolen from Le Lièvre's store. The bottles, I don't know how many there were, were brought to my flat by Burton, Quin and Friend at 4 o'clock one morning, they woke me up as I was in bed and due for duty at 6 a.m. I deny having told Burton to go to the store and would not have allowed them into my flat had I realized the seriousness of their action. When I received it I definitely thought the bottles had been stolen from a O.T. store until they told me later as we were having a drink ". 30

That he signed in my presence. On the following Monday at the Police Court I again saw him and told him I was making further enquiries to the alleged receiving by him of bottles of spirits stolen from Bucktrout's. I cautioned him when he made a further statement which I took down in writing. The statement reads :—

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Royal
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Prosecution
Evidence.
Acting
Inspector
Langmead

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“ One night at the end of November or early December 1941, P.C.'s Burton, Whare and Friend brought to my flat, 39 High Street, a number of bottles containing spirits, it was no more than four or five bottles. At the time I was on night duty and had gone home to get my supper and the three Burton, Whare and Friend said they had found a store open on the front and had brought me a drink from the store. I don't know which man said that, I am sure it was Burton, Friend and Whare. They each had a drink from one of the bottles. The men went on their beats and I went back to the Station.

I did not tell any of the men to go to the store, and did not know they were going until they brought the bottles to my flat. I did not know from which store the spirits were from ”.

That was signed J. Harper.

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Q. Were these statements made voluntarily and freely ?

A. Quite freely, no inducement whatever.

Q. (to accused) : Have you any questions to ask ?

Q. (to witness) : On the first statement you read you stated that I knew that it came from Le Lièvre's store and that it had been stolen from there ?

Cross-
Examina-
tion

A. Which statement do you mean ?

Q. The first one ?

A. The one at the Prison on Saturday 16th May.

Q. Yes. I put it to you that it was not true that I ever mentioned that I knew it was stolen from Le Lièvre ?

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A. I took down the statement as made by you, read it over to you which was signed by you.

Q. I did not know that it was stolen from Le Lièvre. Those are the actual words I used. I put it to you that it was a mistake ?

A. That statement was taken, it was given by you, I read it over to you before you signed it and you said it was quite right.

Q. I deny that I said it was. I did not know.

A. You signed that statement.

ATTORNEY GENERAL : You are quite certain, Inspector, that what was taken down was what was said by Harper ?

Re-
Examina-
tion

40

A. Yes, the statement has not been altered. It was read over to him and he signed it.

(The witness withdrew).

ATTORNEY GENERAL : If the Court desires, I can put in the other witnesses, Quin, Friend or Whare and Friend but if the Court is satisfied with those confessions I do not think it is necessary to do so. If the Court wishes me to call the others, those accused you have already heard and dealt with.

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Prosecution
Evidence.
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Inspector
Langmead

THE BAILIFF : Well, Gentlemen, do you think it is necessary to hear the other witnesses? The confessions have been made, they are signed by the man in person.

(THE COURT unanimously decided not to hear any further evidence).

ATTORNEY GENERAL : Harper may wish to address the Court on his own behalf?

EVIDENCE FOR THE DEFENCE

No. 79.

Jack Harper.

No. 79
Evidence
for the
Defence.
Harper

ACCUSED HARPER : Mr. Bailiff and Gentlemen. I wish to deny this charge that I did know that these spirits came from Le Lièvre's store. Mr. Le Lièvre has a chinaware shop. I did not know he kept spirits in the store. I was in bed at 4.30 a.m. and I was awakened by Police Officers and they brought this drink to me. I opened a bottle and they had a drink from it. During the Occupation in 1941 I invited various Police officers to my flat to listen to the wireless and if I had a drink in the house, I would give them one, I would give them a cup of coffee and they were made welcome. When they brought these spirits I thought it was to repay me for what I had done for them. I had no knowledge that they were stolen. They were brought in at 4.30 a.m. when I was in bed asleep. I did not know anything about it. 10

THE BAILIFF : That is with regard to one charge, what about the other one?
A. The same thing in that case. They brought me the bottles of alcohol and I did not know they were stolen and at no time at all did I conspire with them to do these jobs of breaking and entering, at no time at all. 20

THE BAILIFF : Well, Gentlemen, this is a case of receiving goods knowing them to have been stolen by all these men. We have heard the two confessions taken by the Acting Inspector Langmead. In one case it is perfectly clear that he states " I wish to state that I am concerned in receiving a number of bottles of spirits which I knew were stolen from Le Lièvre's store ". Then the confession goes on to say " The bottles, I don't know how many there were, were brought to my flat by Burton, Quin and Friend at 4 o'clock one morning ". Harper is one of those simple people, when he makes a statement, put it perfectly clearly in one instance " that the bottles were brought into my flat by Burton, Friend and Quin " while in another case which came before the Court, whether Burton was there at the time, he does not remember. He is very careful not to remember whereas he says now that he does not know that the bottles were stolen from Le Lièvre's. He was very careful not to remember that he signed, mind you ; this confession is not only dictated by him but it is taken down by the Inspector and signed by Harper. Harper would naturally, if he did not dictate that, would have said " I did not know that it was stolen " but he signed the words " which 30 40

10 I knew were stolen from Le Lièvre's store ". Now he tries to go back on it. The same thing happens on the second charge when he signs a second confession: "One night at the end of November or early December 1941 Police Constables Burton, Whare and Friend brought to my flat 39 High Street a number of bottles containing spirits, it was no more than four or five bottles. At the time I was on night duty and had gone home to get my supper and the three Burton, Whare and Friend said they had found a store open on the front and had brought me a drink from the store ". He must have known perfectly well that it was stolen property as they brought a drink from the store. Again Burton was there but when he is asked on oath, mind you, he says he cannot remember, very conveniently cannot remember. The fact that he has signed these confessions makes his guilt absolutely certain and I ask you, Gentlemen, whether you find him guilty or not. I cannot say anything in his own defence or explanation to prove that the confessions which were made voluntary on the occasions stated, on the 16th May and the second one on the 18th May, were not voluntarily and freely made.

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Royal
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No. 79
Evidence
for the
Defence.
Harper

No. 80.

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Judgment in the case of Harper.

No. 80
Judgment
in the
Case of
Harper

THE COURT unanimously found him guilty.

THE BAILIFF : The Court unanimously finds you guilty on this crime.

ACCUSED : I would like to make a statement now, Sir.

THE BAILIFF : No, certainly not.

ATTORNEY GENERAL : That now disposes of all the charges before this Court.

I would suggest that perhaps the Court would like all the prisoners to come in and we could hear the evidence as to their character. Before I address the Court, I would ask that Inspector Langmead should give evidence.

30 **EVIDENCE AS TO THE ANTECEDENTS OF ALL THE ACCUSED**

No. 81.

Acting Inspector Langmead (Called).

No. 81
Evidence
as to the
antece-
dents of all
the accused

ATTORNEY GENERAL : Will you tell the Court the antecedents of these men ?

A. Yes, Sir. In the case of Howlett :—

HOWLETT, Alfred William, born Guernsey 1891 is married, wife in Guernsey, four grown up children away. He joined the Police Force

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dents of all
the accused

in April 1920, was promoted Sergeant in 1928, has once been reprimanded for a disciplinary offence. He has performed his duties satisfactorily.

On 24th April 1942, was sentenced by a German Court to 2 years imprisonment (subject to confirmation).

HARPER, Jack, born Plymouth 1900, was brought up in Guernsey, is married—wife and two boys away. He joined the Police Force in May 1922, was appointed Sergeant in 1937. From 1928 to 1937 he acted as Official Tester examining persons for driving licences and public vehicles. He has been commended and rewarded by the Police Committee on ten occasions for conspicuous Police work. He has four disciplinary offences recorded against him. Has been regarded as an industrious Police Officer. 10

On 24th April 1942, was sentenced by a German Court to 4½ years Hard Labour (subject to confirmation).

FRIEND, Charles Alfred, born Guernsey 1914, is single. He joined the Police Force in January 1939, but he has not shown any particular initiative. He is easily led and has undoubtedly been led away by older men.

On 24th April 1942, was sentenced by a German Court to 3½ years Hard Labour (subject to confirmation). 20

(*Sic*
Burton)

I have left out *Howlett* because he has not been found guilty.

TUCK, Frank Hubert, born Guernsey 1914, is single and joined the Police Force in January 1936. He is inclined to be obstinate, had he put his mind to Police work would have made progress in the Force. Have five disciplinary reports against him.

On 24th April 1942, was sentenced by a German Court to 3½ years Hard Labour (subject to confirmation).

SMITH, Herbert P., born South Wales 1904, is married with a wife and 3 young children here. He joined the Police Force in November 1927. He cannot be said to have been particularly successful as a Police Officer, but has no disciplinary reports against him. 30

On 24th April 1942, was sentenced by a German Court to 4 years Hard Labour (subject to confirmation).

WHARE, Frank William, born Guernsey 1894, is married, his wife and two children at work, are in the Island. He first joined the Police Force in May 1918, but left and went to Alderney in 1922. He re-joined in January 1926, has been once commended and was regarded as a reliable painstaking Officer.

On 24th April 1942, was sentenced by a German Court to 2½ years Hard Labour (subject to confirmation). 40

BAILEY, Kingston G., born in Norfolk 1916, is married with one child, both in England. He joined the Police Force in December 1938. He has not shown any conspicuous ability as a Police Officer.

On 24th April 1942, was sentenced by a German Court to $2\frac{8}{12}$ years Hard Labour (subject to confirmation).

QUIN, William G., born Guernsey 1896, married with wife and one child here, and two children away. He joined the Police Force in February 1921. Has been once commended. Has performed his duties satisfactorily without showing any great keenness. Has two disciplinary reports against him.

On 24th April 1942, was sentenced by a German Court to 4 years Hard Labour (subject to confirmation).

SHORT, Frederick W., born Guernsey 1910, married with wife and child in England. He joined the Police Force in April 1934 and two years ago was appointed as motor-cycle patrol. Has shown great aptitude as a Police Officer and under normal conditions would undoubtedly have made great progress. Abnormal conditions are no doubt responsible for his present position.

On 24th April 1942, was sentenced by a German Court to $3\frac{3}{12}$ years Hard Labour (subject to confirmation).

DUQUEMIN, Stephen John C., born November 1872, was Licensee of the Victoria Hotel, Esplanade, from 16th July 1932 to date of his arrest in March. He has four convictions for motoring offences and one for selling intoxicating liquor after hours, but no criminal offence is recorded against him.

On 20th April 1942 was sentenced by a German Court to 4 months imprisonment for receiving stolen goods.

Howlett, Harper, Whare, Quin, served in H.M. Forces during the Great War.

(The witness withdrew).

No. 82 (A)

Discussions before sentences and Prosecutor's suggestions as to sentences.

ATTORNEY GENERAL: I have prepared tables, Mr. Bailiff and Gentlemen, showing the charges against each man. I presume, Sir, that you would like me to make my summing-up, then the accused can give their pleas in mitigation and the Court will probably retire.

THE BAILIFF: Yes, I agree to that.

ATTORNEY GENERAL: Mr. Bailiff and Gentlemen, we now come to the stage of sentencing the prisoners in respect of the crimes which have been before you today. There are three things to consider:—The gravity of the crime, the gravity of the circumstances and the mitigating circumstances.

Now with regard to the gravity of the crimes. We can divide each crime before you today in two classes:—thefts of foodstuffs and the

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dents of all
the accused

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other thefts or receiving of wines and spirits and to my mind the theft of the foodstuffs is the most serious of the two. Also, the plea put forward that they thought the Essential Commodities stores were O.T. stores or foreign workers stores, that to my mind makes no difference at all.

Now the next thing which we have to remember is were there any gravitating circumstances. Now, to my mind, in all these cases, except in the case of Duquemin, there are very definite gravitating circumstances. All these prisoners, were at the time of these thefts, members of the Police Force. These policemen were trusted by us to safeguard our property especially at night, because all these crimes were committed by night, after the hour of curfew when most people, except the privileged people like the Police, have to be indoors and those people cannot protect their own property under the circumstances. That is definitely gravitating circumstances and with regard to two of the Policemen, Harper and Howlett, those circumstances are specially so because they were Police Sergeants of many years standing ; there was breaking in in every case, forced locks, forced padlocks.

Now we have to see whether there are any mitigating circumstances, frankly it is difficult to find any at all. We have heard from Bailey that the duties of the Police especially at night were very difficult and there was shortage of food. I quite agree. The duties at night are difficult especially in these days with shortage of food but many workers now are working under difficult conditions also. We must also remember that the sentence will only form a small part of their punishment. They will lose all regard and respect from the civilian population now by their action. They will be outcasts and that punishment will last for many years after they have served their sentences. Those punishments will affect not only themselves but their families as well because by their actions they have brought shame on all their dependants and also on the whole of the Island. The Court is aware I had hoped to be able to bring official information that all these men are already serving sentences imposed by German Military Court and you have heard those sentences read out by the Inspector in his report but those sentences have not come to us officially from the German Court and we simply have them on newspaper information but whether they will be confirmed or not, certainly they are serving substantial sentences already and the Court will have to decide whether the sentences will run concurrently with the German sentences or in addition. I would suggest that all the sentences should run with the German sentences.

Now with regard to the sentences, I would suggest the following with regard to the various prisoners and I might take it from the sheet.

The first one, taking in alphabetical order, is Bailey. Now he has been found guilty of being concerned with Tuck in stealing butter from the States Dairy ; between the two men they stole, they admit stealing six pounds of butter, three pounds each. Now in the ordinary course of events, probably the stealing of three pounds of butter would not be regarded as very serious but in view of the fact that they were policemen,

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one has to look at it far more seriously. Now in Bailey's case I would suggest imprisonment at hard labour for three months.

The next one I have is Burton but that does not come in now as the Court has found him not guilty.

10 Friend :—he is concerned with Quin in stealing four tins of tomatoes from the Essential Commodities store. In respect of that crime I would suggest the same as Bailey, three months imprisonment. Then he is concerned with Burton and Quin in stealing 20 bottles of spirits from the Alliance Club. In respect of that I would suggest four months imprisonment. Then he is again with Burton, Quin and Short for a further stealing of wine and spirits from Bucktrout's. There I would suggest three months imprisonment. That was drinks not foodstuffs. And again on the fourth item with Whare he is found guilty of stealing twelve bottles of spirits from Bucktrout's, another three months. That totals together thirteen months but in view of the Inspector's report on his antecedents where the Inspector says he is easily led and he has undoubtedly been led away, I would suggest making it one year on all those charges.

20 Now if I might take Howlett and leave Harper for the moment. Howlett is concerned with Smith in stealing six tins of beans from the Essential Commodities' Store. In his case we have to remember he was a Sergeant for quite a number of years standing and in view of that I would suggest six months' imprisonment.

30 Quin, he was concerned with Friend in stealing four tins of tomatoes from the Essential Commodities store. In his case I would suggest three months' imprisonment. Then he is concerned with Smith in stealing 86 bottles of wine from Randall's store. I would suggest six months there, and concerned with Friend only in stealing from the Alliance Club, I would suggest four months, and concerned with Friend and Short in stealing from Bucktrout's only a small quantity, I would suggest three months, a total of sixteen months.

Short. He is concerned possibly with others in stealing one tin of beans and one tin of tomatoes from Essential Commodities store. For that I suggest three months and concerned with Tuck and Smith in stealing four cases of tomatoes and cooking oil I suggest six months and on the third charge concerned with Burton, Friend and Quin in stealing from Bucktrout's I would suggest a sentence of three months, making a total of twelve months.

40 Now, Smith, Herbert Percival Smith, he was concerned with Short and Tuck in stealing four cases of tomatoes. I suggest the same as the others, six months. Concerned with Howlett in stealing six tins of beans. In Howlett's case I suggested six months as he was a Sergeant, in this case I would suggest three months. Concerned with Quin in stealing eighty-six bottles from Randall's, six months there. That totals fifteen months. We have heard in the Inspector's report that Smith has a wife and three young children and he has made a special plea of that in his statement at the Lower Court and for the sake, purely

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for the sake of the wife and children I would suggest making the sentence one year on the three charges.

Frank Hubert Tuck, he is concerned in the stealing of the butter from the Dairy, I would suggest three months and for the four cases of tomatoes and cooking oil, I would suggest the same for him as the others, six months, making a total of nine months.

Frank William Whare, concerned with Friend in stealing twelve bottles of wine from Bucktrout's, I suggest three months' imprisonment there.

Then we have the other two, Harper for receiving first from the Alliance Club robbery and the other from Bucktrout's. I would suggest that he should be sentenced six months on each count. 10

The only other one we have is Stephen Duquemin. If he had been a policeman I would have suggested six months but in view of the fact that he is not, I suggest four months in this case. I would also ask for costs and failing payment of costs an extra month imprisonment.

There is one thing more which I might perhaps say and that is that all these men are here on their own confessions.

With regard to those sentences, Mr. Bailiff and Gentlemen, I would like to say this. All the prisoners have been detained in custody from varying dates in March. They have been detained by the German Authorities and not by the Civil Authorities and I would suggest that all the sentences should begin as from last first of April. There is one further thing I feel I must bring to the notice of the Court. I would like to express my keen appreciation of the capable manner in which the Police officers concerned in this Prosecution have carried out their duties. We must fully realise how unpleasant this prosecution has been, prosecuting men with whom they have been friendly for many years and I certainly think they carried out their duties very diligently. I do not know whether these men wish to plead in mitigation. 20 30

THE BAILIFF: Have you anything to say in mitigation of these sentences. we have not sentenced you, they are only suggestions from the Crown. (All prisoners, except Stephen Duquemin replied that they had nothing further to say).

THE BAILIFF: I understand, Mr. Langlois, that you wish to say something in mitigation for Duquemin.

ADVOCATE LANGLOIS: I do not wish to labour on the matter. I would just like to make one remark and that is, in the last case that came before this Court for receiving was one of Best when he was found guilty of receiving stolen goods, 1650 slates, and he was condemned to three months' hard labour. In that particular case we were dealing with a young man, 24 years old. In the present instance, Mr. Duquemin is now over 70 years of age and he has already been in Prison for two months suffering considerably and will do so during the remainder of his sentence. Prison life under present conditions for a man of seventy is a far greater hardship than for a man in the thirties or forties. Mr. Duquemin was quite frank and open about the whole matter. As 40

Advocate Martel has mentioned, he made a confession and did not conceal any of the facts surrounding the case. He gave no difficulties to the Police regarding the investigation. I am instructed by Duquemin to say that he has also paid to the German Authorities the sum of £40 which represents the value of the wine in question. Furthermore he instructs me to say that he has suffered considerable hardships since the occupation. Duquemin does not come in the same category as the others and I would ask the Court to deal with him as leniently as possible who is in the seventies and if it is at all possible to reduce his sentence to say three months and the costs involved, but I leave the matter entirely in the hands of the Court.

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THE COURT retired to discuss the sentences.

THE BAILIFF: Will you bring all except Duquemin, put them in a row here as I want to address them before sentencing them and when I have addressed them, take them back into the waiting-room and as I call out each name you will bring them in and put them in the Box.

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Before I ask the Jurats of the Royal Court to deliver their sentences to you, I would like to address a few words to you. As Police officers when you were in the Police Force in this Island you must realise and understand that you have brought shame and humiliation on every single soul in the Island from the Royal Court downwards. We reposed in you, we who swear you in, we reposed in you our confidence and our certainty that by your integrity you would be an example to the people in this Island and also in you was placed the whole of the property, of our property, and of the property of the people in this Island. And how have you repaid it? Clothed in the uniform of the Police you were given certain privileges by the German Army of occupation in being allowed out after curfew. No one else was allowed out after curfew, you alone and what have you done clothed in the uniform, you have broken into our own property, you have stolen and carried on with the most terrible way and you deserve everything that you can possibly get and you will be looked upon with contempt by the whole of your fellow Islanders. I can assure you that I am filled with shame and I only regret that we have not been able to inflict greater punishment on you as we have done today. It is revolting that you have used the privileges given to you as members of the Police Force to act in this way and to think what the people, the foreigners here, the workmen, the French, the Germans, the Dutch, are thinking of you and of the Police Force, of the British Police Force whom they look upon and proud to look upon. What an example to the Police Force of the world as well. I am filled with shame that such a thing should have occurred in this Island of Guernsey. I have nothing further to say except to say how much I regret having to speak to you all in this way.

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I will take them according to the list. I will leave Duquemin to the very last.

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No. 82 (B).

Sentences.

No. 82 (B)
Sentences

Kingston George Bailey, you were concerned with Tuck in stealing six pounds of butter from the States Dairy, what are your conclusions, Gentlemen ?

Sentence
in the
Case of
Bailey

THE COURT unanimously sentenced him to three months.

Kingston George Bailey, you are sentenced to three months' hard labour and the sentence is to run as from today.

Charles Albert Friend has been found guilty of having been concerned with Quin in stealing four tins of tomatoes from the Essential Commodities store and twenty bottles of spirits from the Alliance Club and eight bottles of wine from Bucktrout's, concerned with Whare. The conclusion of the Solicitor-General were thirteen months hard labour which he suggested should be converted to twelve months hard labour owing to Friend's antecedents. 10

Sentence
of Friend

(THE COURT unanimously agreed).

The Court sentences you to twelve months hard labour. The sentence to date as from today's date.

Jack Harper is found guilty of stealing, sorry, for receiving five bottles from the Alliance Club theft and four bottles stolen from Bucktrout & Co. The Crown Officer's conclusions are for six months on the first count and six months on the second, twelve months in all. 20

Sentence
of Harper

THE COURT sentenced him unanimously to 15 months.

The Court sentences you to fifteen months hard labour dating as from today.

Alfred William Howlett has been found guilty of being concerned with Smith in stealing six tins of beans from the Essential Commodities store. He is an ex-sergeant of the Police.

Sentence of
Howlett

THE COURT were unanimous for nine months.

The Court sentences you to nine months hard labour, that hard labour to date from today. 30

William George Quin has been found guilty of having been concerned with Friend in stealing four tins of tomatoes from the Essential Commodities store, also for stealing 86 bottles of wine from Randall's store and 20 bottles of spirits from Alliance Club and six bottles from Bucktrout & Co. Ltd. The conclusions of the Solicitor-General are for sixteen months hard labour on all four charges.

Sentence
of Quin

THE COURT unanimously agreed.

The Court sentences you to sixteen months hard labour on these four charges to date as from today's date. 40

Frederick Winzer Short has been found guilty of having been concerned with others in stealing one tin of beans, one tin of tomatoes from the Essential Commodities store. Concerned together with Tuck and Smith in stealing four cases of tomatoes and cooking oil from the same stores, eight bottles of wine and spirits from Bucktrout & Co. The Crown Officer asks for twelve months' imprisonment.

In the
Royal
Court —
—
No. 82 (B)
Sentences

THE COURT agreed to nine months imprisonment.

Sentence
of Short

Short, in taking in consideration your antecedents, the Court sentences you to nine months, the sentence to start as from today's date.

10 Herbert Percival Smith, you have been found guilty of having been concerned with Tuck in stealing four cases of tomatoes and cooking oil from the Essential Commodities store, stealing six tins of beans from the same store and concerned with Quin in stealing 86 bottles of wine from Randall's store. Altogether the conclusions of the Solicitor-General amount to fifteen months and it was suggested reducing this to twelve months on account of his wife and children.

THE COURT unanimously agreed to fifteen months.

Sentence
of Smith

20 Smith, you are sentenced by the Royal Court to fifteen months hard labour dating as from today's date. The reason that we do not see our way in making a concession in your case is principally because of the breaking-in at Randall's store with Quin at Duquemin's instigation.

Frank Hubert Tuck, concerned with Bailey in stealing six pound of butter from the States Dairy, concerned with Short and Smith in stealing four cases of tomatoes and cooking oil from the Essential Commodities store. The Solicitor-General's conclusions are for nine months hard labour.

THE COURT unanimously agreed.

Sentence
of Tuck

The Court sentences you to nine months hard labour to date as from today's date.

30 Frank William Whare, you are found guilty of having stolen twelve bottles of wine and spirits from Bucktrout & Co. The conclusions asked for are three months.

THE COURT unanimously agreed.

Sentence
of Whare

You are sentenced by the Royal Court to three months' imprisonment at hard labour, the sentence to date as from today's date.

40 Stephen Duquemin you have been found guilty of having received eighty-six bottles of wine stolen from R. W. Randall Ltd. store by Smith and Quin and the Royal Court have come to the conclusion that if you had not been aiding and abetting these two Police constables, they would not have committed that crime and they would not have broken into Randall's store. There was no question that you were known to the Police in anything of this kind and that is why they went to you and

In the
Royal
Court —
No. 82 (B)
Sentences

you furnished them with the implements to break into this store and you furnished them with a box or suitcase in order to bring away the booty from that store. In fact you aided and abetted them in their crime. The Court looks upon the crime with a very great gravity and find that this is a matter which they look upon as a very serious one and deplorable from every point of view especially you as a licensee from this Court and holding a licence for the Victoria Hotel.

ACCUSED DUQUEMIN : Am I allowed to speak, Sir ?

THE BAILIFF : No you are not. The conclusions of the Crown Officer are that you should be imprisoned for four months and ordered to pay the costs and failing to pay, an extra month. 10

Sentence of
Duquemin

THE COURT agreed unanimously to nine months and costs.

The Court is unanimous in sentencing you to imprisonment for nine months with hard labour and to pay the costs of the Prosecution and the imprisonment to date as from today's date.

No. 83
Extract
from
Medical
Officer of
Health's
Report
for 1942
and appen-
dices to
the
Report

No. 83.

Extract from the report of the Medical Officer of Health for the Island of Guernsey for 1942 and appendices to report headed Infant Mortality and Nutrition.

States of Guernsey, Health Office, 20
Lukis House, Guernsey.

Gentlemen,

I have the honour to present my eighth annual report on the Health and Sanitary Conditions for the Island during 1942.

During the first three months of the year, the conditions were very hard, and there was much sickness and a very high death rate. After this circumstances improved somewhat as compared with the end of 1941.

There was little infectious disease during the year, and so far, during the Occupation, we must count ourselves very fortunate.

The unsatisfactory sanitary conditions referred to in 1941 became 30
considerably worse, and the verminous state of the German troops and Foreign Labourers entering the Island continued.

When representations were made to the German Authorities in 1941, on the necessity of delousing all persons before embarkation at the French ports, they stated then that this was not possible, but that measures would be taken for delousing after arrival in the Island. Little appears to have been done.

I believe there have been some cases of Enteric Fever and Diphtheria among the foreign troops and labourers, but I have no exact information, as the Germans do not communicate any information as to infectious disease 40
amongst the troops and labourers to the Civil Authorities.

As this information is necessary for the control of infectious disease among the civil population, it is very extraordinary that it is withheld, for disease occurring amongst the civilian population is likely to spread back to the German troops and foreign labourers.

The death rate for the year was considerably higher than in 1941 and undoubtedly reflects the very hard conditions of the earlier part of the year.

As was to be expected, there was a large increase in Venereal Disease, and the importation and letting loose in the Island of numerous ladies of promiscuous habits, did not tend to mitigate this.

10 To try to combat the increase in Venereal Disease, an Ordinance was passed by the Royal Court making these diseases notifiable, and treatment compulsory.

It may be noted here, that as a consequence of these powers all patients at the Board of Health Clinic completed their courses of treatment.

Finally, I think that if we reflect, we should be thankful that nearly half the population evacuated before the German Occupation.

If this had not taken place, what would have been the position in regard to housing, overcrowding, nutrition, hospital accommodation, infestation with vermin and infectious disease !

20 I have the honour to be, Gentlemen,

Your obedient Servant,

ROWAN W. REVELL, M.D.,
Medical Officer of Health.

The President and Members,
Board of Health,
Guernsey.

INFANT MORTALITY

30 There were 10 deaths under one year of age, giving a rate of 38.1 per 1,000 live births.

Although higher than in 1941, the rate is still exceptionally low.

NUTRITION

In my report for 1941, I wrote on the position in that year in regard to food and nutrition.

In the first months of 1942 until the early potato crop of May of that year was available, the food shortage became far more acute than in 1941 and there is no doubt that a large part of the population were on diets having calorific values below the subsistence level.

40 Although the great majority managed to pull through these critical months, a large number of the older people were unable to withstand the privations due to insufficient nourishment, unusually severe climatic conditions and lack of fuel ; the death returns for these months bear witness to this.

No. 83
Extract
from
Medical
Officer of
Health's
Report
for the
Island of
Guernsey
for 1942
and
Appendices
to the
Report

No. 83
 Extract
 from
 Medical
 Officer of
 Health's
 Report
 for the
 Island of
 Guernsey
 for 1942
 and
 Appendices
 to the
 Report

With the coming of the potato crop the situation was greatly eased, and a ration of five pounds per head per week was allowed. The situation with regard to the other rationed foods was similar to that in 1941, whilst the vegetable crops later in the year were plentiful. There was also more fish than in 1941.

There is no doubt that, on the whole, nutrition was at a higher level in the autumn of 1942 than in the corresponding period of 1941, which, I think, may be partly explained by larger supplies of fish and potatoes, and the better use of the foodstuffs available.

As in 1941, there have been large numbers of cases of diarrhoea, and of the other deficiency diseases noted in my annual report for that year, including some cases of protein oedema. The number of these cases diminished in the summer, but numerous cases of chilblains and other conditions due to defective circulation persisted throughout the year. 10

The great majority of the cases of diarrhoea again seem to have been due to dietetic causes and only a few to infections.

The undue prevalence of deaths from intestinal obstruction and strangulated hernia, noted in 1941, has again occurred in 1942, there were eleven deaths from intestinal obstruction and four deaths from strangulated hernia, or over ten times what would have been expected from the number of deaths from these causes in the five years previous to the Occupation. 20

30, 1955

No. 84.

In the
Privy
Council —

In the Privy Council.

No. 84
Petition
for special
leave to
Appeal to
His
Majesty in
Council

ON APPEAL FROM THE ROYAL COURT OF THE
ISLAND OF GUERNSEY

BETWEEN

- 1. WILLIAM GEORGE QUIN
- 2. CHARLES ALBERT FRIEND
- 3. FREDERICK WINZER SHORT
- 4. ALFRED WILLIAM HOWLETT
- 5. FRANK HUBERT TUCK
- 6. FRANK WILLIAM WHARE
- 7. KINGSTON GEORGE BAILEY
- 8. JACK HARPER

10

Petitioners

— AND —

THE KING

Respondent.

To the King's Most Excellent Majesty in Council.
The Humble Petition of

20

WILLIAM GEORGE QUIN,
CHARLES ALBERT FRIEND,
FREDERICK WINZER SHORT,
ALFRED WILLIAM HOWLETT,
FRANK HUBERT TUCK,
FRANK WILLIAM WHARE,
KINGSTON GEORGE BAILEY and
JACK HARPER

sheweth :

30

- 1. Your Petitioners desire to obtain special leave to appeal against convictions by the Royal Court of the Island of Guernsey on the 1st day of June 1942.
- 2. At the time of the trial Your Petitioners were members of the Police Force of the Island of Guernsey and were tried together with two other members of the Police Force, one of whom was acquitted and the other of whom died in Germany while imprisoned there, and one civilian.

IN THE PRIVY COUNCIL

In the
Privy
Council—
—
No. 84
Petition
for special
leave to
Appeal to
His
Majesty in
Council

3. The convictions of the first-named seven of Your Petitioners were in respect of alleged breaking and entering into various premises and stealing therefrom either individually or with another or others quantities of wines, spirits and foodstuffs and that of Your remaining Petitioner, Jack Harper, was in respect of alleged receiving of wines and spirits.

4. Your Petitioners had remained on the Island when it was occupied by the German Armed Forces, in fulfilment of their duty to maintain law and order on the Island, but at all times did what was in their power to impede the German war effort.

5. William George Quin, against whom there were four charges concerning respectively (a) four bottles or thereabouts of tomato preserve, (b) eighty-six bottles or thereabouts of port wine, (c) twenty bottles or thereabouts of spirits and (d) eight bottles or thereabouts of spirits and wine, admitted (b) and (d) but was convicted on all four charges and sentenced to a total of sixteen months imprisonment with hard labour. 10

6. Charles Albert Friend, against whom there were four charges concerning respectively (a) four bottles or thereabouts of tomato preserve, (b) twenty bottles or thereabouts of spirits, (c) eight bottles or thereabouts of spirits and wine and (d) twelve bottles of spirits and wine, admitted all four and was sentenced to twelve months imprisonment with hard labour. 20

7. Frederick Winzer Short, against whom there were three charges concerning respectively (a) one tin of tomato preserve and one tin of French beans, (b) a quantity of cooking oil and four boxes containing tins of tomato preserve and (c) eight bottles or thereabouts of spirits and wine, admitted all three and was sentenced to nine months imprisonment with hard labour.

8. Alfred William Howlett, against whom there was one charge concerning six tins of French beans, admitted this and was sentenced to nine months imprisonment with hard labour.

9. Frank Hubert Tuck, against whom there were two charges concerning respectively (a) about six pounds of butter and (b) a quantity of cooking oil and four boxes containing tins of tomato preserve, admitted these and was sentenced to a total of nine months imprisonment with hard labour. 30

10. Frank William Whare, against whom there was one charge concerning twelve bottles or thereabouts of spirits and wine, admitted the offence and was sentenced to three months imprisonment with hard labour.

11. Kingston George Bailey, against whom there was one charge concerning about six pounds of butter, admitted this and was sentenced to three months imprisonment with hard labour.

12. Jack Harper, who was charged with receiving (a) five bottles or thereabouts of spirits and (b) four bottles or thereabouts of spirits and wine, denied the offences but was convicted and sentenced to five months imprisonment with hard labour.

In the
Privy
Council —

13. During the occupation all spirits and wine on the Island were commandeered by the Germans for the use of their own Forces but were left on civilian premises until they required them. Rationing of other food stuffs for Your Majesty's subjects on the Island reached very severe proportions and the resultant malnutrition caused ill-health and death.

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for special
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Appeal to
His
Majesty in
Council

10 Certain members of the Police Force, among them Your Petitioners, assisted those most in need by giving them foodstuffs, wine and spirits which the said members, at great risk to themselves, had obtained by raids on stores collected and assembled by the Germans. Foodstuffs, wine and spirits were also stored in order to help any members of Your Majesty's Forces who from time to time during the occupation might escape from the Germans or be landed on or seek safety on the Island. Your Petitioners' activities in this respect were only a part of their campaign of opposition to the Germans which included, inter alia, cutting telephone wires, painting anti-German slogans and otherwise attempting to hamper and obstruct
20 the enemy and such other persons as were supporting them on the Island and succouring and encouraging those resisting them.

14. Your Petitioners impeded the German war effort in every way within their power, and the taking and distribution of food was merely one item in an organised and planned campaign which incurred the displeasure of the Germans. Your Petitioners believe that it was the suspicion that they were engaged in this general campaign rather than the specific charges made later which was the cause of their arrest by the Germans.

15. After their arrest they were subjected to various forms of physical and mental duress of an extremely brutal nature by members of an organisation
30 known as the " Gestapo " who caused serious injury of a permanent nature to some of Your Petitioners. By these means they were compelled to sign statements admitting their guilt, which said statements were in German. Purported translations into English were read to them at the time. These statements were put in evidence during the trial before the Royal Court.

16. Although, as stated, Your Petitioners had taken food from the Germans and had distributed it to civilians and others on the Island, the Germans were not aware of the exact extent of this and appeared to have acted solely on suspicion. Thus the charges as formulated were, to a large extent, speculation by the Germans. For example, the eight bottles or thereabouts
40 of spirits and wine included in the charges against William George Quin, Charles Albert Friend and Frederick Winzer Short and the twelve bottles or thereabouts of spirits and wine in the charge against Frank William Whare were alleged to have been taken from the premises of " Bucktrout & Company Limited ", yet one Alec Adams, the foreman of this Company, gave evidence that no liquor at all was in fact missing.

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17. The trial of Your Petitioners began on the 1st day of June 1942 following a trial by the Germans in respect of similar alleged offences to German property which received great publicity on the Island and in respect of which the following sentences were passed by the German Court on the 24th day of April 1942 :—

Quin	..	four years imprisonment with hard labour.	
Friend	..	three years and six months imprisonment with hard labour.	
Short	..	three years and three months imprisonment with hard labour.	
Howlett	..	two years imprisonment.	10
Tuck	..	three years and six months imprisonment with hard labour.	
Whare	..	two years and six months imprisonment with hard labour.	
Bailey	..	two years and eight months imprisonment with hard labour.	
Harper	..	four years and six months imprisonment with hard labour.	

18. Prior to the trial before the Royal Court, a letter dated the 8th day of May 1942 was sent to the Solicitor General of the Island from the Tribunal of the Feldkommandantur over the signature of the Felderichsrat (Judge Advocate), Dr. Biel, which contained the following :—

“ In reply to your letter of the 5.5.42, I have noted that the proceedings against the accused policemen will be started as soon as the statements have been translated. 20

In the event of the accused denying the admissions made by them to the Feldgendarmerie, please advise me immediately, as in this case the Chief of Tribunal (Gerichsherr) will take up the proceedings even as regards the thefts committed at the expense of the English traders ”.

This letter was shown to some of Your Petitioners, Friend, Tuck, Whare and Bailey, in order that they should be aware of the consequences which would ensue if they pleaded not guilty or failed to admit before the Royal Court that the statements extracted from them by the Germans were true.

19. It is respectfully submitted that the general nature of the questions involved in this Appeal are 30

- (a) whether any real or proper trial took place,
- (b) whether the evidence upon which the convictions were obtained was admissible either by natural justice or by the laws of the Island,
- (c) whether the pleas of certain of Your Petitioners and the evidence tendered at the trial was affected by the letter referred to in paragraph 19 above and if so whether in these circumstances their convictions should be upheld and
- (d) whether convictions obtained during the occupation of the Island by Your Majesty's enemies as a result of proceedings instigated by the enemy authorities should be upheld if it can be shown that such convictions were in respect of acts aimed at Your Majesty's enemies as part of a campaign of opposition to the said enemies advocated by Your Majesty's Government in the United Kingdom and in support of Your Majesty and Your Majesty's subjects on the Island and elsewhere. 40

It will perhaps serve as an example of the German domination of the Island that on the 8th day of July 1941 there appeared in the "Star" newspaper on the Island the following notice :—

"A reward of £25. 0. 0d. will be given to the person who first gives to the Inspector of Police, information leading to the conviction of anyone (not already discovered) for the offence of marking on any gate, wall or any other place whatsoever visible to the public, the letter "V" or any other sign or any other word or words calculated to offend the German Authorities or soldiers.

Signed VICTOR G. CAREY, Bailiff."

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Privy
Council —

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Petition
for special
leave to
Appeal to
His
Majesty in
Council

10

20. Apart from the fact that the admissions forcibly extracted from them by the Germans were, in the humble submission of Your Petitioners, inadmissible as evidence before the Royal Court, they were, in any event, in the peculiar circumstances obtaining on the Island at the time of the trial, prevented from explaining in their defence that, in so far as they had taken any of the articles referred to in the charges, they had acted in pursuance of an organised campaign of sabotage against the Germans and had either distributed them among the poor and needy of the Island or had hidden them for future use and that they had been inspired and guided in this by talks broadcast by the British Broadcasting Corporation, in particular those of the so-called "Colonel Britton".

20

21. Although Your Petitioners were not called upon to serve the sentences passed by the Royal Court, the convictions appear in the records of the Court and they are aggrieved that this should be so and that there should be recorded against them convictions in respect of actions performed by them as loyal subjects of Your Majesty and directed against Your Majesty's enemies and for the relief and succour of Your Majesty's subjects.

30

22. Your Petitioners have sought to have the convictions quashed and their records erased but have failed to achieve this and have been informed by Your Majesty's Attorney General for Guernsey that if they desire to have the proceedings reviewed they should petition Your Majesty for leave to appeal to Your Majesty's Privy Council.

YOUR PETITIONERS THEREFORE HUMBLY PRAY
that Your Majesty in Council will be pleased to order that
Your Petitioners shall have special leave to appeal from the
said convictions of the 1st day of June 1942.

AND YOUR PETITIONERS WILL EVER PRAY

GEOFFREY BING
MARK SMITH

No. 85.**At the Court at Buckingham Palace.**

The 14th day of November, 1951

PRESENT

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT

EARL MOUNTBATTEN OF BURMA

LORD ISMAY

SIR ALAN LASCELLES

SIR WILLIAM MCKELL

THE EARL OF HOME

10 WHEREAS there was this day read at the Board a Report from the
Judicial Committee of the Privy Council dated the 7th day of November 1951
in the words following, viz :—

20 “ WHEREAS by virtue of His late Majesty King Edward the Seventh's
Order in Council of the 18th day of October 1909 there was referred unto
this Committee a humble Petition of (1) William George Quin (2) Charles
Albert Friend (3) Frederick Winzer Short (4) Alfred William Howlett
(5) Frank Hubert Tuck (6) Frank William Whare (7) Kingston George
Bailey (8) Jack Harper in the matter of an Appeal from the Royal Court
of the Island of Guernsey between the Petitioners Appellants and Your
Majesty Respondent setting forth (amongst other matters): that the
Petitioners desire special leave to appeal against convictions by the
Royal Court on the 1st June 1942: that at the time of the trial the Petition-
ers were members of the Police Force of the Island of Guernsey and were
tried together with two other members of the Police Force (one of whom
was acquitted and the other of whom died in Germany while imprisoned
there) and one civilian: that the convictions of the first-named seven
Petitioners were in respect of alleged breaking and entering into various
premises and stealing therefrom either individually or with another or
others quantities of wines spirits and foodstuffs and that of Petitioner
No. 8 was in respect of alleged receiving of wines and spirits: that the
30 Petitioners had remained on the Island when it was occupied by the
German Armed Forces in fulfilment of their duty to maintain law and
order on the Island but at all times did what was in their power to impede
the German war effort: that it is submitted that among the questions
involved in this Appeal are (a) whether any real or proper trial took place
(b) whether the evidence upon which the convictions were obtained
was admissible either by natural justice or by the laws of the Island and
(c) whether convictions obtained during the occupation of the Island
by Your Majesty's enemies as a result of proceedings instigated by the

In the
Privy
Council —No. 85
Order
granting
leave to
Appeal to
His
Majesty in
Council
dated 14th
November,
1951

In the
Privy
Council —
No. 85
Order
granting
leave to
Appeal to
His
Majesty in
Council
dated 14th
November,
1951

enemy authorities should be upheld if it can be shown that such convictions were in respect of acts aimed at Your Majesty's enemies as part of a campaign of opposition to those enemies advocated by Your Majesty's Government in the United Kingdom : And humbly praying Your Majesty in Council to grant the Petitioners special leave to appeal from the Judgment and sentences of the Royal Court dated the 1st June 1942 :

“ THE LORDS OF THE COMMITTEE in obedience to His late Majesty's said Order in Council have taken the humble Petition into consideration and having heard Counsel in support thereof (no one appearing in opposition thereto) Their Lordships do this day agree humbly to report to Your Majesty as their opinion that leave ought to be granted to the Petitioners to enter and prosecute their Appeal against the Judgment of the Royal Court of the Island of Guernsey dated the 1st day of June 1942 :

“ AND THEIR LORDSHIPS do further report to Your Majesty that the proper officer of the said Royal Court ought to be directed to transmit to the Registrar of the Privy Council without delay an authenticated copy under seal of the Record proper to be laid before Your Majesty on the hearing of the Appeal upon payment by the Petitioners of the usual fees for the same.”

HIS MAJESTY having taken the said Report into consideration was pleased by and with the advice of His Privy Council to approve thereof and to order as it is hereby ordered that the same be punctually observed obeyed and carried into execution.

Whereof the Bailiff and Jurats of the Royal Court of the Island of Guernsey for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

F. J. FERNAU.



No. 86.

In the Privy Council

No. 10 of 1952

In the
Privy
Council —

No. 86
Petition to
the Lords
of the
Judicial
Committee
of the
Privy
Council
for leave
to include
other
documents
in the
Record

ON APPEAL FROM THE ROYAL COURT OF THE
ISLAND OF GUERNSEY

BETWEEN

- 1. WILLIAM GEORGE QUIN
- 2. CHARLES ALBERT FRIEND
- 3. FREDERICK WINZER SHORT
- 4. ALFRED WILLIAM HOWLETT
- 5. FRANK HUBERT TUCK
- 6. FRANK WILLIAM WHARE
- 7. KINGSTON GEORGE BAILEY
- 8. JACK HARPER

10

Appellants

— and —

HER MAJESTY THE QUEEN

Respondent

To the Lords of the Judicial Committee of the Privy Council

20 The Humble Petition of the above-named Appellants
sheweth :

- 1. That the above-mentioned Appeal is pending before Her Majesty in Council.
- 2. That the convictions which are appealed from and the events giving rise to the said convictions occurred while the Island of Guernsey was occupied by the German Armed Forces, and that the conditions then obtaining on the said Island, which are relevant in the said Appeal may be understood in so far as they are so relevant, by reference to certain documents copies of which together with an index thereof are hereunto annexed.

In the
Privy
Council —

No. 86
Petition to
the Lords
of the
Judicial
Committee
of the
Privy
Council
for leave
to include
other
documents
in the
Record

3. That it will be for the convenience of both parties, will facilitate the presentation and understanding of the said Appeal and may save considerable expense if an Order is made that the documents above referred to are incorporated in and printed with the record in this case.

4. And that the Appellants humbly pray that their Lordships be pleased to Order that the documents referred to accordingly be incorporated in and printed with the Record.

AND YOUR PETITIONERS WILL EVER PRAY

No. 87.

At the Council Chamber, Whitehall.

The 4th day of November, 1953

**BY THE RIGHT HONOURABLE THE LORDS OF THE JUDICIAL
COMMITTEE OF THE PRIVY COUNCIL**

WHEREAS by virtue of His Late Majesty King Edward the Seventh's Order in Council of the 18th day of October 1909 there was referred unto this Committee the matter of an Appeal from the Royal Court of the Island of Guernsey between (1) William George Quin (2) Charles Albert Friend (3) Frederick Winzer Short (4) Alfred William Howlett (5) Frank Hubert Tuck (6) Frank William Whare (7) Kingston George Bailey (8) Jack Harper (Appellants) and Her Majesty (Respondent) (Privy Council Appeal No. 10 of 1952) and likewise the humble Petition of the Appellants setting forth : that the above-mentioned Appeal is pending before Her Majesty in Council : that the convictions which are appealed from and the events giving rise to the convictions occurred while the Island of Guernsey was occupied by the German Armed Forces and it is desired that the conditions then obtaining on the Island which are relevant in the Appeal may be understood in so far as they are so relevant by reference to certain documents copies of which together with an index thereof are annexed to the Petition : that it will facilitate the presentation and understanding of the Appeal if an Order is made that the documents above referred to are incorporated in and printed with the Record in this case : And humbly praying that the documents be incorporated in and printed with the Record :

THE LORDS OF THE COMMITTEE having taken the humble Petition into consideration and having heard Counsel on behalf of the Parties on both sides do hereby order and direct that the documents copies of which are annexed to the Petition shall be incorporated in and printed with the Record in the Appeal but without prejudice to the right of the Respondent to object to the admission of the said documents at the hearing of the Appeal.

Whereof all parties whom it may concern are to take notice and govern themselves accordingly.

J. D. WATERS,
Registrar of the Privy Council

In the
Privy
Council —

—
No. 87
Order
granting
leave to
include
other
documents
in the
Record,
dated 4th
November,
1953

30,1955

' A '

15/5/42 Exhibit

ISLAND POLICE, GUERNSEY

STATEMENT OF WITNESS

" A "
Statement
of Tuck,
dated 10th
May, 1942

Full name : Frank Hubert Tuck Age
Address : Les Huriaux, Occupation : None.
St. Martin's.
Cautioned. States Dairy.

10 Sometime during November 1941, I was on night duty with P.C. Bailey. There was always a surplus of butter in this shop. It came to my knowledge that this butter, being surplus, was being exchanged at the German butcher's shop for meat and also that certain persons were able to get butter from this shop when they pleased. I cannot prove this, but I believe it to be true. I took butter from here knowing that no one would go short. We removed the shutters and went in the shop, there was a considerable amount of butter, this was on the weekend. We each took about 3 lb. Sometime previously with P.C. Smith I entered the same shop in the same manner. This time we each took about 3 to 4 lbs. of butter. I took the butter home. I would not have taken this butter if I thought someone would go short.

20 Date : 10th May 1942 Signature F. H. TUCK.
Officer A. Lamy, A/D/Insp.

' B '

15/5/42 Exhibit

ISLAND POLICE, GUERNSEY

STATEMENT OF WITNESS

" B "
Statement
of Bailey
dated 10th
May, 1942

Full name : Kingston George Bailey Age 25
Address : Les Croutes, Occupation : None.
St. Peter Port.
Cautioned.

30 Sometime during November, I was on night duty with Tuck. We knew there was a surplus of butter in the States Dairy and that it was being exchanged with the soldiers in the German butcher's shop for meat and also in the meat market. I cannot get definite proof on this matter, but I know it is correct. Tuck opened the shutters to see if there was a surplus because

EXHIBITS

Exhibit
" B "
Statement
of Bailey
dated 10th
May, 1942

we knew that everyone had had their rations. There was about 20 to 30 lbs. of butter in the shop and we took about 3 lbs. each, no more.
As far as I know this was never reported and shows they had a surplus.
This is the only time I have been in this shop or any other civilian shop.

Date : 10th May 1942. Signature K. G. Bailey
Officer A. Lamy, A/D/Insp.

(B1, B2, B3, B4 Dairy Daily Return Sheets not printed).

Exhibit
" C "
and
" P "
Statement
of Smith,
dated 10th
May, 1942

' C ' and ' P '
' C ' 15/5/42 ' P ' 18/5/42

ISLAND POLICE, GUERNSEY

10

STATEMENT OF WITNESS

Full name : Herbert Percival Smith Age
Address : Fort George Occupation

Cautioned.

On page 12, I deny the statement I made concerning Littlefield & Snell's butcher's shop. I was very upset at the time I am supposed to have said that.

C. { About the E.C.C. store Trinity Square. I remember going on one occasion only with P.C.'s Tuck and Short. I did not know it was an Essential Commodities Store and I did not receive anything from there. So far as I know Tuck and Short each had a cardboard box full of tins of Tomatoes. I cannot swear to the car being used. I don't remember going to their flat. It was somewhere about Christmas time. 20

There is no truth in the statement about Howlett, I only went to the store once.

P. { With respect to Le Lièvre's store Quin did tell me that he had been to Le Lièvre's store with Burton and Friend and they had had some stuff. I don't remember him saying Harper's name. 30

18/5/42 { The statement on page 13 concerning the Dairy is not true. I have never entered the States Dairy.

Date : 10/5/42. Signature H. P. Smith.
Officer J. Langmead.

Exhibit
 " E "
 and
 " W "
 Statement
 of Short
 dated 10th
 May, 1942

Essential Commodities, Trinity Square. Sometime in November 1941 with Smith, I went into a store at Trinity Square. I did not know it was a local store at the time. It was not until later I found that it was an Essential Commodities Store, I took one tin beans and one tin of tomatoes. That was at the beginning of the week. At the end of the same week, I went in again with Tuck and Smith on that occasion we took two cases of tomatoes and about 2 pints of cooking oil in a small jar. Smith had a key and opened the door, we carted the stuff home in the police car. Some time later, on the next night shift, Smith asked me to go again, but I refused and told him it was a local store. The car had been left outside the Police Station that night. I did not take it from the garage.

10

Date : 10th May 1942.

Signature F. W. Short.
 Officer A. Lamy, A/D/Insp.

Exhibit
 " F "
 Statement
 of Smith,
 dated 10th
 May, 1942

' F '

15/5/42.

ISLAND POLICE, GUERNSEY

STATEMENT OF WITNESS

Full Name : Herbert Percival Smith, Age 38.
 Address : Fort George. Occupation
 Cautioned.

20

I have read the statement on page 11, it is true. I am not sure of the date. I was on duty with Quin and we went to the store at the Truchot, I did not know at the time whose store it was. Quin forced the padlock on the door and we went in.

First from the station we went to the Victoria Hotel, I did not have anything to say to Mr. Duquemin, Quin did all the talking, I sat at the table and had a mineral water. After they had been talking Quin and Duquemin left and went to the back of the Hotel, after a short time both came back and I saw Quin had a pick hammer. They had a further conversation and Duquemin supplied a leather case which we took with us, I heard Duquemin say he would give us 5/- for each bottle brought to him. We went twice to the store and filled the case each time, I am not sure of the number of bottles, it would be upwards of 80, but I do remember he gave us £11 each, Quin took the £22 and he (Quin) gave me £11. When we took the sample bottle to Duquemin he said, " Get to work you buggars, I have plenty of £1 notes."

30

Date : 10/5/42.

Signature H. P. Smith.
 Officer A. J. Langmead.

Exhibit
 "H"
 Statement
 of Quin,
 dated 10th
 May, 1942

wanted some wine. Duquemin asked what sort, and Smith said there was some in Randall's store in the Truchot. Smith was given an instrument by Duquemin, a hammer it was. We went to the store and Smith broke open the lock and we took one bottle each to Duquemin. Smith asked if he would buy it and Duquemin said I will give you 5/- a bottle. We went to the store in three journeys. Duquemin gave us a suitcase and we filled it up each time, I don't remember the total number of bottles. Duquemin gave me £11, and Smith the same amount for the wine, I did not know it was Randall's store, I thought it was an O.T. store.

I have repaid £7 of the £11 I received. The statement on page 6 is not all true but this statement is correct. 10

Date : 10/5/42.

Signature W. G. Quin.
 Officer A. J. Langmead.

Exhibit
 "I"
 Statement
 of Quin,
 dated 23rd
 March,
 1942
 (Translated
 from the
 German)

'I'

I. 15/5/42.

Translation

EXTRACT FROM THE STATEMENT MADE BY P.C. QUIN
 ON THE 23rd MARCH, 1942.

WINE STOREROOM IN RANDALL'S BREWERY, TRUCHOT STREET

During the night from Sunday, 22nd to Monday, 23rd February 1942, I was on patrol with P.C. Smith. As we passed in front of the Victoria Hotel we saw a light burning and went in in order to have a drink. In the shop, the proprietor, Duquemin, asked us whether we could get any spirits and wine. It is also possible, however, that I offered to sell him wine. Smith and myself then left the place and we went to the above storeroom. I forced the padlock with a piece of iron and we went into the storeroom. Each of us took a few bottles in order to show them to Duquemin and to ask him whether he wanted some of these bottles. Duquemin approved of the goods and offered us 5s. 0d. per bottle. Duquemin gave us a trunk and we went two or three times to the storeroom during the night. Each time we brought a full trunk to Duquemin. In all, we stole about 90 bottles of wine, "Sanderman", from the storeroom. Duquemin paid us £22, which we shared. I believe that part of the money has already been spent but I am ready to refund the rest. I have taken three bottles of wine home and drunk them. 30

15/5/42.

'L'

ISLAND POLICE, GUERNSEY

STATEMENT OF WITNESS

Full Name : Stephen John Christopher Duquemin Age 70.
 Address : Fort George. Occupation
 Cautioned.

Exhibit
 " L "
 Statement
 of
 Duquemin,
 dated 10th
 May, 1942

10 I have read the statement on page one and want to say that the Police-
 men, Smith and Quin came to my Hotel one night in February. I gave them
 a drink, Smith said they would like to go in a store and asked me for something
 to open it. I gave him a little pick hammer, I told them to go, I had to get
 my work done, this was about half-past ten at night. About half-an-hour
 later they returned and brought back one bottle as a sample. I told them
 I would give them 5/- a bottle for all they brought me. It was a bottle of
 Port Wine. I gave them a horse trunk and they went off, I knew they were
 going to a store but did not know where. They told me it was a store next
 to my place in the Truchot and I said " That must be Randall's ".

20 They came back with the trunk full two or three times, I am not sure
 how many times. Altogether I had 86 bottles and I gave the Policemen £22
 so that they would have £11 each. It was the two men Smith and Quin
 who came to me first, I did not suggest it to them. I sold all the bottles but
 I paid back the money to the German Police. The wine was sold to customers
 in my Hotel. I had no wine or spirits to sell and wanted some to keep going
 as I had peace in my Hotel when I had stuff to sell.

So far as I remember it was Smith who did all the talking and business
 with me, Quin had very little to say. Smith was saying he wanted the stuff
 to feed his children and kept talking of his three children.

30 This is the only case I am concerned in and would not have done this
 had not the two Policemen first come to me. The exact words I said to the
 Policemen were " Bugger off, I want to get on with my work." The work
 I had to do was make up my till, clean the glasses and put out the empty
 bottles, and make up the stuff for the next day.

Signature S. J. C. Duquemin.

Officer A. J. Langmead.
 A/Inspr.

Date : 10/5/42.

Exhibit

' M '

15/5/42.

" M "

Translation

Statement
of
Duquemin,
dated 23rd
March,
(Transla-
tion from
the
German)

EXTRACT FROM THE STATEMENT MADE BY THE HOTEL PROPRIETOR STEPHEN JOHN CHRISTOPHER DUQUEMIN, ON THE 23rd MARCH, 1942.

About one month ago, it was Sunday evening, the English Policemen, Smith and Quin, came into my premises. One of them told me that they could supply wine to me. I told them they could bring me any quantity and that I would pay them 5s. 0d. per bottle. Thereupon, both left my premises and a short while afterwards came back with a few bottles which they showed to me. I told them that I would purchase any quantity of such wine; they could only go and fetch it. I had enough pound notes to pay them. I gave them a trunk which they brought back to me filled with bottles two or three times. In this way they brought 86 bottles of wine to my house, for which I paid them £22. I have sold the wine per glass in my hotel. From each bottle I poured about 16 glassfuls. For each glass I charged 7d.

I, therefore, got 385 RM. for the 86 bottles. I am giving over this amount of £40. 2s. 1d. to the Feldgendarmerie. I can give no further information in this matter.

10

20

Exhibit

' N '

18/5/42.

" N "

Statement
of Quin,
dated 16th
May, 1942

ISLAND POLICE, GUERNSEY

STATEMENT OF WITNESS

Full Name : William George Quin, Age 46.
Address : Prison, St. Peter Port. Occupation
Cautioned.

I would like to say that sometime in the middle of December, 1941, Burton came to the Station about 1 a.m. for supper. He said he knew where there were some spirits in a store on the Quay. Burton, Friend and myself went to the store just before 4 a.m. Burton unlocked the padlock, we entered the store and took about 18 to 20 bottles of spirits from a shelf.

We took the bottles to Harper's flat just after 4 a.m. Harper was in bed, he got up, he opened a bottle, we all drank some and Burton, Friend and I went back on duty. I did not tell Harper where it had come from, but one of the others may have. I took home two bottles, I believe it was whisky. I knew it was Le Lièvre's store.

30

Date : 16/5/42.

Signature W. J. Quin.
Officer A. J. Langmead.

'O'

18/5/42. Exhibit "O"

ISLAND POLICE, GUERNSEY

STATEMENT OF WITNESS

Statement of Friend, dated 10th May, 1942

Full Name : Charles Albert Friend Age
Address : St. Peter Port. Occupation
Cautioned.

0 Some time in November or December 1942 (? 1941) one night or early morning, it may have been 1.30 a.m. we were on night patrol. I was in the company of P.C.'s Quin and Burton, we went to a store near the Pier steps. Somewhere near there. At the time I did not know it was Le Lièvre's business premises, but I know now. I cannot say whether the padlock was opened with a key, it was dark, but I remember Burton opening the door with a piece of iron, he forced the door open. Quin, Burton and myself went inside, we had a look around, and saw a quantity of spirits on shelves, we put several bottles in a sack, from there we went into Harper's flat, we left the bottles there, I believe it was on a sofa. It was then getting late about 4.30 a.m. After 6 a.m. I went down with Burton to Harper's flat ; I took three bottles, one bottle of whisky, one bottle port, and one bottle of white wine, I took these three bottles home. I took them to my bedroom. I had them myself. I have read this statement, it is true.

Date : 10/5/42. Signature C. A. Friend.
Officer F. J. Banneville, Sgt.

'P' and 'C'
'P' 18/5/42. 'C' 15/5/42.

Exhibit "P" and "C" Statement of Smith, dated 10th May, 1942

ISLAND POLICE, GUERNSEY

STATEMENT OF WITNESS

30 Full Name : Herbert Percival Smith, Age
Address : Fort George. Occupation
Cautioned.

On page 12. I deny the statement I made concerning Littlefield and Snell's butcher's shop, I was very upset at the time I am supposed to have said that.

Exhibit
 " P " and " C " Statement of Smith, dated 10th May, 1942

About the E.C.C. store, Trinity Square. I remember going on one occasion only with P.C.'s Tuck and Short. I did not know it was an Essential Commodities Store and I did not receive anything from there. So far as I know Tuck and Short each had a cardboard box full of tins of tomatoes. I cannot swear to the car being used. I don't remember going to their flat. It was somewhere about Christmas time.

There is no truth in the statement about Howlett, I only went to the store once.

" P " 18/5/42

With respect to Le Lièvre's store, Quin did tell me that he had been to Le Lièvre's store with Burton and Friend and they had had some stuff. I don't remember him saying Harper's name.

The statement on page 13 concerning the Dairy is not true. I have never entered the States Dairy.

Date : 10/5/42. Signature H. P. Smith.
Officer A. J. Langmead,

Exhibit
 " Q " Statement of Howlett, dated 16th May, 1942

' Q ' 18/5/42.

ISLAND POLICE, GUERNSEY

STATEMENT OF WITNESS

Full Name : Alfred Wm. Howlett. Age 50. 20
 Address : Fort George. Occupation

I have read the statement I am alleged to have made and wish to plead not guilty. I have nothing further to add.

10/5/42. A. W. Howlett.
A. J. Langmead,
A/Inspr.

Cautioned.
 At 11.45 a.m., 16/5/42. at H.M. Prison.

I have read the translation of my statement and wish to state that this case of entering the E.C.C. store at Trinity Square is true, it is the only time I did go there and I would not have done so had I known it was a civilian store. I only had three tins of beans, Smith was with me and he opened the door but in what manner, whether by a key or if it was already open I don't know. 30

16/5/42. Signature A. W. Howlett.
Officer A. J. Langmead.

Exhibit

'T'

18/5/42.

"T"
Statement
of Quin,
dated 16th
May, 1942

ISLAND POLICE, GUERNSEY

STATEMENT OF WITNESS

Full Name : William George Quin, Age 46.
Address : Prison, St. Peter Port. Occupation
Cautioned.

I admit that sometime at the end of November 1941, with P.C. Friend, I went to the store of the Essential Commodities, Trinity Square. I had a key which fitted the door, it was an ordinary common type of lock and opened easily with my key. 10

We both went in and I took two tins of tomatoes, Friend also took two so far as I remember. We left the store and I re-locked the door. We returned to duty.

16/5/42.

Signature W. G. Quin.
Officer A. Lamy.

Exhibit

'U'

18/5/42.

"U"
Deposition
of Friend,
dated 20th
March,
1942
(Transla-
tion from
the
German)

Translation.

EXCERPT OF THE COPY OF THE DEPOSITION OF P.C. FRIEND 20
OF MARCH 20th 1942.

STORES OF THE ESSENTIAL COMMODITIES, TRINITY SQUARE.

At the end of November I was on night patrol duty with P.C. Quin. Quin had about himself a key to the above stores. We both went into the stores and I took from the stores two tins of tomatoes.

' V '

ISLAND POLICE, GUERNSEY

STATEMENT OF WITNESS

Full Name : Charles Albert Friend Age
 Address : Fort George, St. Peter Port Occupation
 Cautioned.

18/5/42.

Exhibit

" V "

Statement
of Friend,
dated 10th
May, 1942

10 At the end of November I was on night patrol duty with P.C. Quin, Quin had about himself a key to the premises known as the Essential Commodities, Trinity Square. We both went into the stores and I took from the stores two tins of tomatoes. I did not know it was the Essential Commodities stores at the time, that is the only time I had been there. Quin opened the door with a key.

10/5/42.

Signature C. A. Friend.
 Officer F. J. Banneville, Sgt.

' W ' and ' E '

' E ' 15/5/42. ' W ' 18/5/42.

ISLAND POLICE, GUERNSEY

STATEMENT OF WITNESS

20 Full Name : Frederick Winzer Short Age
 Address : Steam Mills, St. Martin's. Occupation : None.
 Cautioned.

" W "
 and " E "
 Statement
 of Short,
 dated 10th
 May, 1942

Bucktrout. I have never been in Bucktrout's store on the Pier to steal. I have never been in the markets at all, neither to Best or Littlefield. I have never been in the States Dairy in the market nor have I had anything from it.

30 Essential Commodities, Trinity Square. Sometime in November 1941 with Smith, I went into a store at Trinity Square. I did not know it was a local store at the time, it was not until later I found that it was an Essential Commodities Store. I took one tin of beans and one tin of tomatoes. That was at the beginning of the week. At the end of the same week, I went in again with Tuck and Smith on that occasion we took two cases of tomatoes and about 2 pints of cooking oil in a small jar. Smith had a key and opened the door, we carted the stuff home in the police car. Some time later, on the next night shift, Smith asked me to go again but I refused and told him it was a local store. The car had been left outside the Police Station that night, I did not take it from the garage.

10th May 1942.

Signature F. W. Short.
 Officer A. Lamy, A/D/Insp.

The second time each of us stole 4 or 5 bottles of different contents from the business. We have taken the bottles to Sergt. Harper's flat, where we distributed the booty. I have received a bottle of whisky as my share of the booty. Burton and Ware as well have each received one or two bottles. What was left, was retained by Harper. It was the larger portion. I cannot make any further statement in that matter.

Exhibit
" Y "
1st part
" CC "
in full
Deposition
of Friend,
dated 25th
March,
1942
(Translated
from the
German)

' Z ' 1st Part. ' D.D. ' in full.

18/5/42.

ISLAND POLICE, GUERNSEY

STATEMENT OF WITNESS

Exhibit
" Z "
1st part
" DD "
in full
Statement
of Friend,
dated 10th
May, 1942

10 Full Name : Charles Albert Friend Age
Address : Fort George, St. Peter Port. Occupation
Cautioned.

' Z ' { Early in November 1941, I believe it was, I was on night duty with Burton, Quin and Short, and together we entered Bucktrout's, we went in from the Quay side, through a small door, went up some stairs unto the first floor, I cannot remember who opened the door, if I remember rightly the padlock was unlocked, the bottles were in bins, and I took one bottle of wine, I don't know what the others took.

20 Again I think it was about the end of November 1941 I went into the stores again, on this occasion I was accompanied by WHARE and BURTON, we were on night duty together, the three of us entered the place, went through the same door, and on the first floor, on this occasion we took about four bottles each, the bottles contained spirits and wine. I think, if I remember rightly, we came out of the premises through the same door, I believe the door was made secure, we then went to Harper's flat, where we left the bottles. I took one bottle of whisky for myself. I only went to these premises twice, I knew these premises belonged to Bucktrout's, I believe the main entrance is in High Street.

I have read this statement and it is true.

30 Date : 10/5/42. Signature C. A. Friend.
Officer F. J. Banneville, Sgt.

Exhibit

" AA "

Statement
of Short,
dated 16th
May, 1942

' A.A. '

18/5/42.

ISLAND POLICE, GUERNSEY

STATEMENT OF WITNESS

Full Name : Frederick Winzer Short. Age
Address : Prison, St. Peter Port. Occupation
Cautioned.

Sometime about the end of November or the beginning of December, 1941, I was in Station at about two o'clock one morning when Burton, Friend and Quin came in. They said they had found Bucktrout's side door open on the Quay. After supper the four of us went on patrol and eventually went to this store. The door was unlocked and we went in, up the stairs and on to the first floor. I took two bottles of whisky, I don't know what the others had, I left the store and carried on my beat and took the bottles home later. 10

Date : 16/5/42.

Signature F. W. Short.
Officer A. Lamy.

Exhibit

" BB "

Statement
of Whare,
dated 16th
May, 1942

' B.B. '

18/5/42.

ISLAND POLICE, GUERNSEY

STATEMENT OF WITNESS

Full Name : Frank William Whare. Age 48
Address : Prison, St. Peter Port. Occupation
Cautioned.

About the end of November or early December, 1941, with Burton and Friend I went to Bucktrout's store on the Quay. I don't know how the door was opened, it was dark and Burton or Friend opened it. We went into the store, went upstairs, and I took one bottle of brandy and two bottles of rum, the others took three or four bottles each. I went with the others to Harper's flat, we had a drink there and then left all the bottles there. Harper was on duty but he came to his flat and was there when we got back. This would be shortly after 2 a.m. I did not take any of the bottles home, I left them all at Harper's flat. 30

Date : 16/5/42.

Signature F. Whare.
Officer A. J. Langmead.

'C.C.' in full. 'Y' 1st part.

18/5/42.

Exhibit

Translation.

"CC"
in full
"Y"

EXCERPT OF THE COPY OF THE DEPOSITION OF P.C. FRIEND
OF MARCH 25th 1942.

1st part
Deposition
of Friend,
dated 25th
March,
1942
(Translated
from the
German)

BURGLARY AT BUCKTROUT'S BUSINESS, HIGH STREET: Asked as to whether I have at any time broken into and stolen at the above business, I declare that this is not true. After having been confronted with P.C. QUIN and SHORT I now admit that I have lied.

10 }
'Y' } In November last year I have been in the above business with P.C. BURTON, QUIN and SHORT. Burton had a key to that shop, I do not know, from where Burton had the key. We went to the first floor of the premises, where I took a bottle of wine. The others took two bottles each, I believe. I do not know whether they took brandy or whisky. After leaving the premises we have properly locked them up again.

20 } At the end of November or the beginning of December I was for the second time in the above premises. This time the P.C.'s WHARE and BURTON were with me. This time again Burton had the key of the premises. Of the last burglary we had told Sergt. Harper. This time Harper had requested us to steal some spirits from the business and to bring him something.

The second time each of us stole 4 or 5 bottles of different contents from the business. We have taken the bottles to Sergt. HARPER'S flat, where we distributed the booty. I have received a bottle of whisky as my share of the booty. Burton and Whare as well have each received one or two bottles. What was left was retained by HARPER. It was the larger portion. I cannot make any further statement in that matter.

'D.D.' in full. 'Z' 1st part.

18/5/42

Exhibit

ISLAND POLICE, GUERNSEY

"DD"
in full
"Z"

30

STATEMENT OF WITNESS

1st part
Statement
of Friend,
dated 10th
May, 1942

Full Name : Charles Albert Friend.
Address : Fort George, St. Peter Port.
Cautioned.

Age
Occupation

'Z' } Early in November 1941, I believe it was, I was on night duty with Burton, Quin and Short, and together we entered Bucktrout's, we went in from the Quay side, through a small door, went up some stairs unto the first floor, I cannot remember who opened the door, if I remember rightly the padlock was unlocked, the bottles were in bins, and I took one bottle of wine, I don't know what the others took.

Exhibit
"DD"
in full
"Z"
1st part
Statement
of Friend,
dated 10th
May, 1942

Again I think it was about the end of November, 1941, I went into the stores again, on this occasion, I was accompanied by WHARE and BURTON, we were on night duty together, the three of us entered the place, went through the same door, and on the first floor, on this occasion we took about four bottles each, the bottles contained spirits and wine. I think, if I remember rightly, we came out of the premises through the same door, I believe the door was made secure, we then went to "Harper's" flat, where we left the bottles. I took one bottle of whisky for myself. I only went to these premises twice. I knew these premises belonged to Bucktrout's, I believe the main entrance is in High Street.

10

I have read this statement and it is true.

Signature C. A. Friend.
Officer F. J. Banneville, Sgt.

Date : 10/5/42.

Exhibit
"EE"
Statement
of Harper,
dated 16th
May, 1942

'E.E.'

19/5/42.

ISLAND POLICE, GUERNSEY

STATEMENT OF WITNESS

Full Name : Jack Harper Age 42.
Address : Prison, St. Peter Port. Occupation
Cautioned.

20

The translation of the statements alleged to have been made by me are not all true. I wish to state that I am concerned in receiving a number of bottles of spirits, which I knew were stolen from Le Lièvre's store. The bottles, I don't know how many there were, were brought to my flat by Burton, Quin and Friend at 4 o'clock one morning, they woke me up as I was in bed and due for duty at 6 a.m. I deny having told Burton to go to the store and would not have allowed them into my flat had I realized the seriousness of their action. When I received it I definitely thought the bottles had been stolen from a O.T. store until they told me later as we were having a drink.

30

Signature J. Harper.
Officer A. J. Langmead,
A/Inspr.

Date : 16/5/42.

'F.F.'

Translation.

19/5/42.

Exhibit

"FF"

Deposition
of Harper,
dated 26th
March,
1942(Translated
from the
German)EXCERPT OF THE COPY OF THE DEPOSITION MADE BY P.S. HARPER
ON 26th MARCH 1942.

BUCKTROUT'S BUSINESS, HIGH STREET. At the end of last year, it was about
Christmastime, I was on night duty with P.C. BURTON. At about 2 o'clock
a.m. Burton said to me that he had the key to the above business and that he
wanted to enter it that night. I went with Burton to the Esplanade, where
10 the entrance to the stores of the business is located. Burton unlocked the
door, but I could not see whether there was a padlock on the door. Then
Burton went into the store, while I waited for him below. After a while
Burton brought 2 bottles of whisky and 2 bottles of brandy out of the stores.
From Burton I received a bottle of whisky and a bottle of brandy. The
other two bottles were kept by Burton for himself. First I took my bottles
into my flat and then we went together to the Police Station.

Another time, I cannot say when, the P.C.'s Whare, Friend and Burton
brought a number of bottles of (Whisky, Brandy and Port) to my flat. Burton
told me that he had been with the other two in the above business and that
20 they had brought me some bottles. After the three had left my flat they
had left for me about 10 bottles.

I cannot make further statements.

'G.G.'

(Charge 14)
Jack Harper, 42,
Prison, St. Peter Port.

19/5/42.

Exhibit

"GG"

Statement
of Harper,
dated 18th
May, 1942

One night at the end of November or early December, 1941, P.C.'s Burton,
Whare and Friend brought to my flat, 39 High Street, a number of bottles
containing spirits, it was no more than four or five bottles. At the time I
30 was on night duty and had gone home to get my supper and the three
Burton, Whare and Friend said they had found a store open on the front
and had brought me a drink from the store, I don't know which man said
that, I am sure it was Burton, Friend and Whare. They each had a drink
from one of the bottles, the men went on their beats and I went back to the
Station.

I did not tell any of the men to go to the store, and did not know they
were going until they brought the bottles to my flat. I did not know from
which store the spirits were from.

40 18/5/42.

J. Harper.
A. J. Langmead, A/Inspr.