



TELEPHONES :  
MXY 440.  
CENTRAL 7185.

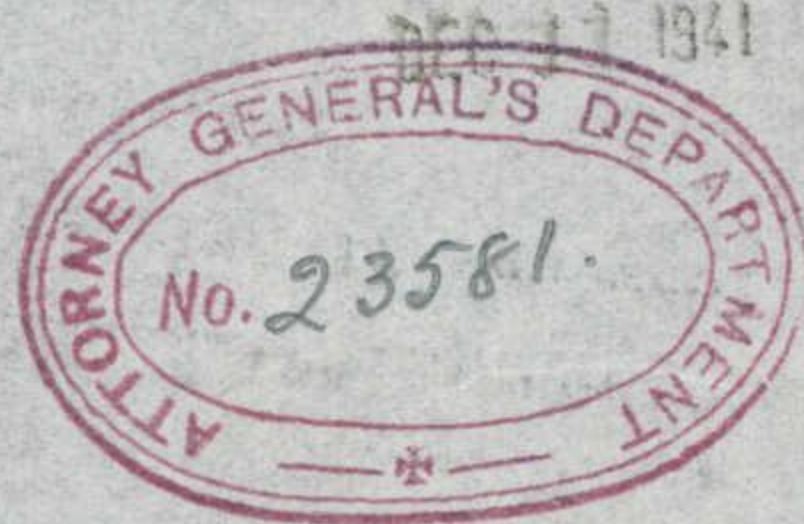
COMMONWEALTH OF AUSTRALIA.

DEPARTMENT OF THE ARMY.

No. ....

MELBOURNE, S.C.1.

95405



MEMORANDUM For:-

The Secretary,  
Attorney-General's Department,  
C A N B E R R A . A . C . T .

D.C.M. NX 6549 PTE. A.A. CURLEWIS  
2 REINF. 2/26 BN. GEN. BASE DEPOT. A.I.F. MALAYA.

I forward herewith the proceedings of the above  
Court-Martial held at JOHORE BAHRU on the  
Eleventh of September 1941, for  
record in your Department. I should be glad if you would  
insert your registration number of the proceedings in the  
pink form attached and return it to my Department.

↓  
DONE  
Accountant, Attorney-General's Dept  
15/12  
15 DEC 1941

*[Signature]*  
D. R. Sinclair  
Secretary.



AUSTRALIAN MILITARY FORCES.

A.I.F.  
72/751/201.  
Please quote this number when replying.

JUDGE ADVOCATE-GENERAL.

RECEIVED  
-3-DEC-41PM  
CENTRAL REGISTRY

CHALFONT CHAMBERS,  
PHILLIP STREET,  
SYDNEY.

--	--	--

~~Victoria Barracks, Sydney~~

(Date) 2nd December, 1941.

*pp. 8.*  
*attached*

ATTORNEY GENERAL'S DEPARTMENT  
No. 23581

Adjutant General,  
Army Headquarters,  
Victoria Barracks,  
MELBOURNE.

D.C.M. No. NX6549 Pte. A.A. Curlewis 2 Reinf. 2/26 Bn.  
Gen. Base Depot A.I.F. Malaya.

In compliance with your memorandum 91251 of the 28th November I have read through the proceedings of the above District Court Martial held at Johore Bahru on the 11th September and report as follows.

2. The order convening the Court was in order, the Officers being of the required rank and having held their commissions for the necessary length of time.
3. The charge sheet was correctly drawn. The accused pleaded guilty to charges of absence without leave, resisting an escort and conduct to the prejudice of good order and military discipline. There was evidence in the summary to allow such a plea to be taken. The punishment awarded was within the powers of the Court and has been duly confirmed.
4. I return herewith the proceedings.

*Thomas Lubbock*

JUDGE ADVOCATE GENERAL.

RECEIVED  
5 DEC 1941  
A.G. 3

*D. 23  
H/13/111*

**AUSTRALIAN MILITARY FORCES  
RECORDS OF COURTS MARTIAL**

1. Proceedings of a\* District court martial assembled at Johore Bahru

on 11 / 9 / 1941 for trial of † NX.6549, Pte. A.A. Curlewis, 2 Reinf. 2/26 Bn.  
Malaya

Gen. Base Depot, A.I.F., convened by order of ‡ Maj.-Gen. H. Gordon Bennett, C.B.,  
C.M.G., D.S.O., V.D., G.O.C.,  
A.I.F., Malaya dated 10 / 9 / 1941

	Rank.	Name.	Unit.	Date of first commission.
President	<u>Major</u>	<u>M.B. Hoare</u>	<u>2/26 Bn.</u>	<u>29</u> / <u>3</u> / <u>33</u>
Members	<u>Captain</u>	<u>D.J. Duffy</u>	<u>2/30 Bn.</u>	<u>16</u> / <u>8</u> / <u>29</u>
	<u>Lieut.</u>	<u>F.E. McNaughton</u>	<u>2/29 Bn.</u>	<u>31</u> / <u>10</u> / <u>38</u>
				/ /

Number of § Charge	Statement of Offence in Charge	Plea of Guilty or Not Guilty	Finding
<u>1. A.A. Sec.15(1)</u>	<u>See attached statement</u>	<u>Guilty</u>	<u>Guilty</u>
<u>2. A.A. Sec.10(3)</u>		<u>Guilty</u>	<u>Guilty</u>
<u>3. A.A. Sec.40</u>		<u>Guilty</u>	<u>Guilty</u>

2. Plea to jurisdiction or in bar, if any, and how disposed of:—

3. Sentence (including recommendation to mercy, if any):—

To undergo detention for one hundred and forty (140) days.

Date of original signature of President 11 / 9 / 1941

\*Whether General, District or Field General.  
†No., rank, name and unit of accused.  
‡Rank, name and appointment of convening authority.  
§Alternative charges to be indicated.

4. Recommendation of suspension of sentence, if any:—

5. Proceedings before confirmation reported upon by:—

Major P.L. Head, L.S.O., A.I.F., Malaya.

6. Minute of confirming authority:—

Confirmed.

Maj.-Gen. H. Gordon Bennett, C.B.,  
C.M.G., D.S.O., V.D., G.O.C.,  
A.I.F., Malaya.

Signed on 7/10/1941 by

7. Date of promulgation 10/10/1941

8. Mitigation, remission, commutation or suspension of sentence, if any, subsequent to confirmation, and by whom ordered:—

9. By whom proceedings reported upon after confirmation:—

*Judges Advocate General*

10. Nature of Report:—

*Finding & sentence valid*

11. Remarks:—

¶Name, rank and appointment of confirming authority.

CHARGE SHEET.

The accused NX.6549, Pte. A.A. Curlewis, 2/26 Reinforcements, General Base Depot, A.I.F., Malaya, is charged with having while being a soldier of the Military Forces of the Commonwealth of Australia on War Service committed the following offences:-

First Charge  
Army Act  
Sec.15(1)

Absenting himself without leave,  
in that he,  
at Johore Bahru absented himself without leave from about 0900 hours on 25 Aug. 41 until he was apprehended by the Military and Civil Police at about 1820 hours on 26 Aug. 41 in Singapore.

Second Charge  
Army Act  
Sec.10(3)

Resisting an escort whose duty it was to apprehend him,  
in that he,  
at Singapore at about 1820 hours on 26 Aug. 41 resisted L/Cpl. J. Marr of the British Military Police and others by fighting and struggling against them when it was their duty to apprehend him.

Third Charge  
Army Act  
Sec.40

Conduct to the prejudice of good order and military discipline,  
in that he,  
at Singapore at about 1820 hours on 26 Aug. 41 struck L/Cpl. J. Marr of the British Military Police in the face with his fist.

2 ECHELON A.I.F.  
20 OCT 1941 A.M.  
P.M.  
RECEIVED

District Court Martial

NX 6549 - Pte Curlew AA,

2 sent 2/26 Am Gen Base Depot  
AIF Malaya.

*Formulated*  
A.I.F. G. Base Depot D.O. 12/3624 of 17/10/41.  
*[Signature]* Sgt 2 Bch  
20/10/41

HQ AIF

RECEIVED  
22 OCT 41  
AUST. DIV.  
ADV. HQ.

Noted retransmission

*[Signature]*

Officer-in-Charge  
2nd Echelon A.I.F.  
MALAYA.

21. 10. 41

TELEPHONE—

Australian Imperial Force—Malaya.

Please quote this number when replying:

--	--	--

Unit HQ. AIF.

Date 15.9.41

GOC

DEM - NX 6549 Pte Curlew's AA.

I draw attention to the form of the summary in this case. There is evidence from the Holder and 4 CPL I mean of the British military police to support the charges to which accused has pleaded guilty. The remainder of the evidence is not very material to the charges.

The form of the summary is not in order, but accused had an opportunity to cross examine, and I think no injustice is suffered.

The officer who took the summary has since had personal instruction from me.

Other matters in the proceedings do not call for special comment.

I am of opinion that the findings and sentence may legally be comprised.

As TA was appointed because the President was late CLO N found.

William Head

Major,  
Lgt. O., AIF Malaya.



A

3975

Sheet No. /  
A.A. FORM A.9  
(Revised November 1939)



# AUSTRALIAN MILITARY FORCES

## \*\* Form of Proceedings for General and District Courts-Martial.

\*\*All printed matter not applicable to the circumstances of the case should be struck out and initialed by the President. See also instructions on back of this sheet.

Proceedings of a ~~District~~ Court-Martial held at ~~Johore Bahru~~,  
on the ~~11th~~ day of ~~September~~ 19~~41~~ by order of ~~Major General~~  
~~H. Gordon Bennett, C.B.~~ ~~C.M.G. D.S.O. V.D.~~ Commanding Australian Imperial Forces  
at ~~Malaya~~,  
dated the ~~10th~~ day of ~~September~~, 19~~41~~.

President.

Rank. Name. Regiment.

~~Major~~ ~~M.B. Hoare~~ ~~2/26th. Btn.~~

Members.

Rank. Name. Regiment.

~~Captain~~ ~~D.J. Duffy~~ ~~2/30th. Btn.~~

~~Lieutenant~~ ~~F.E. McNaughton~~ ~~2/29th. Btn.~~

Judge Advocate.

\* Here insert No., Rank, Full Name, Regiment or Corps, and Appointment (if any), or other description.

Trial of\* ~~NX. 6549~~, ~~Private Curlewis~~, ~~A.A. 2 Reinf.~~  
~~2/26th. Btn.~~ ~~General Base Depot, A.I.F. Malaya.~~

The order convening the Court, the charge-sheet, and the summary  
[~~abstract~~] of evidence are laid before the Court.

† Here insert Rank, Name, Regiment or Corps, and Appointment (if any).

The Court satisfy themselves that  
is not available to serve owing to

‡ Here insert reason.

waiting member takes his  
place as member of the Court

The Court satisfy themselves as provided by Rules of Procedure 22  
and 23, having due regard to the Defence Act and the Australian Military  
Regulations. §§

The accused is brought before the Court.

§ Here insert Name and Qualification.

Prosecutor† ~~Lieut. T.D. McCawley~~, ~~2/26th. Btn.~~

Counsel [Defending Officer]§ ~~Lieut. HM. Fox~~, ~~Gen. Base Depot.~~

At ~~10-42~~ o'clock the trial commences.

The order convening the Court is read, and [~~copy thereof~~] is marked  
" G", signed by the President, and attached to the proceedings.

The names of the president and members of the Court are read over  
in the hearing of the accused, and they severally answer to their names.

Question by the President to the accused.

Do you object to be tried by me as president, or by any of the officers  
whose names you have heard read over? Answer— "No".

(N.B.—If objection is made it should be recorded, together with the consequential procedure  
on a separate sheet to follow Sheet A). (For procedure see Second Appendix to R.P. 1926.)

This Certificate to be struck out if no Court of Inquiry has been held.

§§ I have satisfied myself that none of the officers detailed as members  
of this Court has previously served upon any Court of Inquiry respecting  
the matters forming the subject of the charge [charges] before this  
Court-Martial.

President.

Note.—One side only of each sheet is to be used, additional sheets being interposed if required.

Form A.A.  
L.A. FORM A.A.  
(Revised November 1939)

AUSTRALIAN MILITARY FORCES  
Form of Proceedings for General and District  
Courts-Martial

All printed matter not applicable to the circumstances of the case should be struck off and initialed by the President. See also instructions on back of this sheet.

**INSTRUCTIONS.**

- (1) All documents to be annexed to the proceedings should be signed by the President, marked with a reference letter, and be attached at the end of the proceedings in the order of their production to the Court. The charge sheet will be attached as indicated on Sheet B.
- (2) All questions should be numbered throughout consecutively in a single series.
- (3) All erasures of written or printed matter and all corrections should be initialed by the President.
- (4) All refusals to cross-examine or re-examine a witness should be recorded.
- (5) The fact that R.P. 83 (B) has been complied with should always be recorded.
- (6) Pages should be numbered consecutively up to the end of the proceedings after they have been put together in the proper order.
- (7) The lettering of the sheets "A," "B," "C," "CC," "D," "DD," "E," and "F" corresponds with the similar lettering of the subject-matter in the form of proceedings contained in the Second Appendix to the Rules of Procedure, 1926.
- (8) When no plea of "Guilty" is proceeded with, the sheets lettered "CC" and "DD" will be omitted from the proceedings. When no plea of "Not Guilty" is proceeded with, sheets lettered "C," "D," and "E(1)" will be omitted.
- (9) For any variation of this form, see the Second Appendix to Rules of Procedure, 1926.

B

The president, members, and judge-advocate are duly sworn.

~~The following officers under instructions are duly sworn~~

Rank.	Name.	Regiment.
-------	-------	-----------

The Court is satisfied that the accused before the Court NX.6549, Pte. Curlewis A.A. 2nd. Reinf. 2/26 Bn. Gen. Base Depot A.I.F. Malaya, is the same person as and identical with the accused named in the Convening Order and in the charge sheet.

The Court is also satisfied that Lieut. H.M. Fox 2/26 Bn. Reimfmts. Gen. Base Depot is the Officer intended to be assigned to represent the accused at the trial *and in the office*

*requested by the accused & present him at the trial*

Question to the accused. Do you object to *as shorthand writer?*

Answer. \_\_\_\_\_

~~is duly sworn as shorthand writer~~

### Charge-Sheet.

The charge-sheet is signed by the president, marked B 2, and annexed to the proceedings next after this sheet.

*Instruction.*  
If the accused has elected to be tried under the A.A., the D.A., or the A.M.R., the fact should be here recorded.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Question to the accused. Are you guilty or not guilty of the [first] charge against you, which you have heard read?

Answer. "Guilty".

Question. Are you guilty or not guilty of the second charge against you, which you have heard read?

Answer. "Guilty".

Question. Are you guilty or not guilty of the third charge against you, which you have heard read?

Answer. "Guilty".

Question. ~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~

Answer. \_\_\_\_\_

Question. ~~Are you guilty or not guilty of the fifth charge against you, which you have heard read?~~

Answer. \_\_\_\_\_

The accused having pleaded Guilty to the ~~first, second and third~~ charge(s), the provisions of Rule of Procedure 35 (B) are here complied with.

*Instruction.* If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty" until after the finding on that other charge.

CHARGE SHEET.

The accused NX 6545 Pte CURLEWIS A.A., 2/26 Bn Reinforcements, General Base Depot, AIF, Malaya, is charged with having while being a soldier of the Military Forces of the Commonwealth of Australia on War Service committed the following offences:

First Charge) Absenting himself without leave  
Army Act } in that he  
Sec 15(1) } at Johore Bahru absented himself without leave from about 0900 hours on 25 Aug 41 until he was apprehended by the Military and Civil Police at about 1820 hours on 26 Aug 41 in Singapore.

Second Charge) Resisting an escort whose duty it was to apprehend him  
Army Act } in that he  
Sec 10(3) } at Singapore at about 1820 hours on 26 Aug 41 resisted L/Cpl J.Marr of the British Military Police and others by fighting and struggling against them when it was their duty to apprehend him.

Third Charge) Conduct to the prejudice of good order and military discipline  
Army Act } in that he  
Sec 40 } at Singapore at about 1820 hours on 26 Aug 41 struck L/Cpl J.Marr of the British Military Police in the face with his fist.

Johore Bahru  
3 Sep 41

*W. J. G. J. G. J.*  
Lt.Col  
Comd General Base Depot

To be tried by District Court Martial.

Johore Bahru  
/6 Sep 41

*W. D. Bennett*  
Maj-Gen  
Comd AIF Malaya.

*W. D. Bennett*  
*President*

CC (1)

Proceedings on Plea of Guilty.

(R.P. 37.)

\*\*To be struck out in case no plea of "Not Guilty" has been proceeded with.

~~\*\* [The Court having been re-opened, the accused is again brought before it, and the charge(s) to which he has pleaded "Guilty" is (are) read to him again.]~~

§Insert number, rank, name, regiment or corps, or other description.

The accused § NX 6549 Private Curlewis, A.A. 2/26th. Btn. Reinforcements, General Base Depot, A.I.F. Malaya, is found Guilty of the first, second and third charges.

~~[and is found Not Guilty of .....~~

Question to the accused.

Do you wish to make any statement with reference to the charges ?

Answer.

The accused, with reference to the charges †, says:—

~~[hands in a written statement, which is read, marked, signed by the president, and attached to the proceedings.]~~

"I admit the charges as read out, but I deny all knowledge of hitting the Taxi driver as stated by Inspector White. Also I deny all knowledge of any begging, pestering people for money. I had taken a lot of intoxicating drink on the 25th. and 26th. of August and I did not realise the seriousness of my actions!"

† (1) If the statement of the accused is oral, the Court should record all material parts as nearly as possible in his own words, and must record any particular matters which the accused requires.

(2) If from the statement of the accused, or from the summary or abstract of evidence or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record and enter a plea of "Not Guilty," and proceed with the trial accordingly. (R.P. 95 (c).)

C C (2)

Proceedings on Plea of Guilty

(Continued).

\*The summary [abstract] of evidence is read, marked G. 2., signed by the president, and attached to the proceedings.

†To be struck out if not required.

†The Court considers that the accused does not understand the effect

of his plea of "Guilty" to the charge, alters the

record and enters a plea of "Not Guilty." The Prosecutor points out that certain of the evidence in the summary is not admissible against accused. President states that only admissible

Question to the accused:-

Do you wish to make any statement in mitigation of punishment?

Answer.

The accused in mitigation of punishment says:-

[hands in a written statement, which is read, marked signed by the president, and attached to the proceedings].

evidence, i.e. evidence admissible against the accused now before the Court will be considered. Also it is appreciated that some of the evidence is altogether inadmissible.

Question to accused:-

"Do you wish to make any statement in mitigation of punishment?"

Answer:-

"I do not wish to say anything; Mr. Fox will speak on my behalf"

The defending Officer makes the following address:-

"The accused is normally of good character and had he not partaken of intoxicating liquor he would not have acted as he did. Also, the evidence of Inspector Wight, indicates that the accused asked Private Cox to put the knife away, showing that he himself was not in any way a party to the use of the knife. Also the accused denies begging money from civilians." I would like to point out to immature age of the accused and also that he denies having been concerned in an assault on the Taxi driver. It will be noted that there were apparently two Taxis. The accused has been in custody since the 26th of August, 1941.

D D

Question to the accused.

Do you wish to give evidence yourself as to character or to call any

witnesses as to character?—Answer— "I wish to give evidence myself as to character".

Instruction.

[If the accused wishes to give evidence himself or call any witnesses as to character, the evidence will be taken on a separate sheet and will be attached to the proceedings next after this sheet.]

\* If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to acquaint the confirming officer with the facts of the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

§ If the statement of the accused is oral, the Court should record all material parts as nearly as possible in the words of the accused, and must record any particular matters which the accused requires. (R.P. 95 (c).)

First witness for  
defence as to  
character:-

The accused NX.6549 Private Curlewis, Austin Albert, 2/26th.  
Bn. Reinforcements, General Base Depot, A.I.F. Malaya  
being duly sworn and being examined by the defending Officer  
states :-

"My age is nineteen years and two months, and in Civil  
occupation I was a "process finisher", in the Metal Industry.  
I joined the A.I.F. on the 3rd. May, 1941 and the only trouble  
inwhich I have been was that I was "A.W.L." for six days at  
Dubbo at the end of which I surrendered myself. I was not in  
any kind of trouble in Civil life.

The Prosecutor declines to cross examine.

The evidence is read to the witness after he has given all his  
evidence. He does not desire to make any alteration or  
correction.

E (2)

# Proceedings on Conviction before Sentence.

[The Court being re-opened, the accused is again brought before it.]

Evidence of character, etc.  
Question by the president.

Lieut. Ernest William Clack, (NX45901) is duly sworn.  
Asst. Adjutant. Gen. Base Depot, A.I.F. Malaya,  
Have you any evidence to produce as to the character and particulars of service of the accused?—Answer by the Witness— "No records of Service have reached the Depot in respect of the accused but I produce a statement containing as much information as possible!"

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked G. 3., signed by the president, and annexed to the proceedings.

Question by the president.

Is the accused the person named in the statement which you have heard read?—Answer by the Witness— "Yes "

Question.

Have you compared the contents of the above statement with the regimental books?—Answer— " So far as has been possible!"

Question.

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries?—Answer— "Yes, as far as records exist!"

[Instruction.— If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court, the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and the amount of such additional punishment.]

Cross-examined by the accused?  
The defending Officer declines to cross examine.  
The evidence is read over to the witness before he leaves the Court. after he has given all his evidence and before he leaves the Court. He does not desire to make any explanation or correction.

Question to the accused.

Do you wish to address the Court?—Answer— "No!"

\* As to recording the address, see Note § at foot of preceding page.

F

The Court is closed for the consideration of the sentence.

Sentence.\*

§Insert number, rank, name, regiment or corps, or other description.

Detention for 140 days

The Court sentence the accused, § NX 6549 P. CURLEWIS  
AA 2 Reinf. 2/26 Bn Gen. Base Depot  
AIF Malaya to undergo detention for  
one hundred and forty days (140) days  
signed at Johore Bahru this seventh day of  
September 1941

*[Signature]*  
President

Confirmed

7.10.41

*[Signature]*

Maj.-General,  
Comd AIF Malaya.

Promulgated and extracts taken at  
General Base Depot A.I.F. Malaya  
this tenth day of October 1941

*[Signature]*  
and Adjt. G. B.D.

Published C.B.D. R.O. 56 of 11.10.41

and AIF Malaya R.O. 55 of 10.10.41.

*[Signature]*

Major,  
Egl. O., AIF Malaya.  
22.10.41.

\*Sufficient space should be left below the sentence and signature of the president for the minutes of confirmation and promulgation.



92

I George Henry Holder<sup>R</sup> of 2/26 Bn.Reinfs, being duly sworn do say on oath:-

That NX.4705 Pte.Cox and NX.6549 Pte.Curlewis were not on parade at 0900 hrs. on 25 Aug.41.

I made enquiries from S.M. if men were on duties and was informed that they were not. Tatto roll call at 2200 hrs.on 25 Aug.41. was taken and Pte.Cox and Pte.Curlewis were not present.

At roll call at 0630 hrs.on 26 Aug.41. the men were not present and were marked absent.

Tatto roll call was taken by me.  
I am platoon Sergeant.

Any questions:-  
Answer:No.

Summary of evidence  
taken by me  
R.P.4(c)(d)(e).  
complied with.

*E. Wolzacko.*

*G. H. Holder*  
*present*

I, James Marr, being duly sworn do say, on oath, in the case of NX 6549 Pte. Curlewis A. 2/26 Reinforcements, General Base Depot that:-

At Singapore on August 26th 1941 at about 1800 hours I was on duty in "Raffles Square" in company with L/Cpl Haigh C.M. Police, when a Civilian informed me that there were two soldiers pestering Civilians for money in Collyer Quay. We immediately proceeded to this place where I saw the above-named soldier. I asked him if he was in trouble. He replied "Yes, I want to get to Johore, give me a dollar". I informed him that if he required any assistance to go his Australian Headquarters and obtain it. At this moment three other Australian soldiers approached us, among whom was NX 4705 Pte Cox C. 2/26 Reinforcements, General Base Depot, who said, "Come on you bastard red caps, let my mate alone". I informed him that I was only giving his mate some good advice. As we (L/Cpl Haigh & I) were walking away the last named soldier struck L/Cpl Haigh and closed with him. I went to the assistance of L/Cpl Haigh and the four other Australians attacked us. I blew my whistle and the five soldiers ran away. I followed them towards Raffles Square down Change Alley where they boarded a trolley bus throwing the driver into the road and attempting to drive away. This they were unable to do, as the conductor removed the poles from the wires. I arrested Pte Curlewis with the aid of Pte J. Roach No. 2979299 A. & S. H. whose assistance I had requested. Pte Curlewis resisted violently and struck me a severe blow in the face on the left jaw. We overpowered him and he was conducted to the Civil Police Station namely Telok Ayer where he was handed over to the Inspector in Charge to be detained. He was sober.

The Inspector informed me that there was an Australian soldier in Market Street waving a knife. I informed him I would investigate this statement. He replied "I will accompany you".

Question by accused:- When you came up to me did I say give me a dollar?  
Answer:- Yes.

Question:- Was I sober?  
Answer:- Yes.

*J. Marr*

Summary of evidence taken by me.  
R.P. 4 (c)(d)(e) complied with.

*Scoldack*  
.....LAout.

3 Sept 1941

*[Signature]*  
*[Signature]*  
*President*

I, John Leslie Roach, No. 29792999 2nd Bn. A. & S. H. Having been  
duly sworn do say on oath:-

At about 5.30 P. M. I was walking along Robinson Road, when I saw a  
crowd of people gathered in the centre where the C. M. P. and five A. I. F.  
men were fighting. I went to help the C. M. P.

I was fighting to get the five men under control when one of the A. I. F.  
men tried to use a humper on me.. I put my boot into his lower joints by the  
time the other men had run away.. I with the C. M. P.s gave chase. I caught *ONE*  
and with Police Inspector <sup>took</sup> him to the Police Station..

During the fighting in Robinson Road I saw one of the C. M. Ps. held  
where the A. I. F. men punched him by doing this they splint his face and  
broke his false teeth..

Any Questions.

No Questions.

*J. Roach.*

Summary of Evidence taken by me.  
R.P.A (a)(d)(e) complied with.

*Endeavour*  
.....Lieut.  
*Sept 1941*

I, Laurance Haigh of C. M. Police Singapore being duly sworn do say on OATH:-

At Singapore on 26 Aug 41 about 1800 hours I was on duty in Raffles Square accompanied by L/Cpl Marr C. M. Police when we were approached by a Civilian who said that two Australian Soldiers in Collyer Quay were asking people for money.

We immediately went to Collyer Quay and there saw two Australians Soldiers talking to a Civilian.

L/Cpl Marr asked them if they were in difficulties and one of them replied "Yes, give me a dollar, I want to get to Johore".

While L/Cpl Marr was advising them to go to the A.I.F Head Quarters three more Australian Soldiers came along, one of them said to me "Come on you red cap bastards let my mate alone"

I replied that we were trying to assist the other man. He then struck me in the face. L/Cpl Marr then tried to stop him from striking me, when the other four closed in on L/Cpl Marr.

L/Cpl Marr then ran down the street and the five Australians followed him. I ran after them and then went in to a shop and asked to use their telephone, which I did and rang No. 5259 and reported the matter and asked for some assistance.

I then went to assist L/Cpl Marr and found that a number of civilians and some members of the S.S.P. were trying to capture the five Soldiers.

Two of them were arrested and conducted to the Telok Ayer Civilian Police Station where I recognized that NX 4705 Private Cox C. 2/26 Reinforcements, General Base <sup>DEPOT</sup> was the soldier who had struck me in Collyer Quay.

Question by accused:- Was I one of the two soldiers talking to the civilian asking for money?.

Answer:- No, you were one of the three who approached.

*L Haigh*

Summary of Evidence taken by me.  
R.P.4 (c)(d)(e).

*Evolutionary*  
.....

*7. Sept 41*

I, George Jeffrey Wight, Senior Inspector of Police, Central Police Station, Singapore, being duly sworn do say on oath:-  
About 1800 hrs. on 26 Aug. 41. I was driving my car in Raffles Place and about to turn into Chulia Street when I heard some people shouting. I drew up and when I looked back I saw several Australian soldiers running into Raffles Place, they were apparently being chased by a crowd of natives. I parked my car and went to make enquiries, by this time the Australians etc. had turned into Change Alley. On entering Change Alley, I drew level with an A. & S.H. soldier, in answer to my question he said the Australians had assaulted someone. The chase entered COLLYER Quay and right towards Raffles Quay, near the end of Collyer Quay I saw the Australians (about 6 or 7) enter two taxis.

I approached one of the taxis and told the driver in Malaynot to move, the soldiers pulled him ~~back~~ and punched him, I then told them I was an Inspector of Civil Police (although in plain clothes) and wished to make enquiries. In return I received a stream of filthy and abusive language particularly from the two accused who kept together all the time. As the taxi drivers ~~remeve~~ refused to move the Australians then got out and proceeded to a Trolley Bus which they boarded. One of the party got into the drivers seat and started the bus but some of the S.T.C. employees disengaged the overhead wires and stopped the bus. They all got out and ran down Raffles Quay, during the chase filthy language was being used and frequent assaults on the natives following up. The A. & S.H. was badly assaulted at one stage when he was struggling with the 1st. accused, the 2nd. came back and helped in the assault. On turning down Cross Street the Australians split up, a number ran down Robertson Rd. (from town) the two accused were left behind. At this stage the first accused was again tackled by the A. & S.H. self and others, the 2nd. accused came back, drew a knife and after waving it about in a threatening manner approached and threatened us if we did not let his friend loose. We were forced to let go and they both entered Robertson Rd. and ran towards town.

I called out for help from the police at Telok Ayer Station near by and two P.C.s. came on the scene. The 2nd. accused then rushed at me and missed stabbing by less than a foot. By this time they were separated and between us the first accused was overpowered after an assault on the A. & S.H. self and I think the M.P. L/Cpl. The police and others continued the chase after the second ~~seen~~ accused and we brought the second accused back to Telok Ayer Station. Later we went out to search for the former but found him in the custody of P.C. 1050 and a Sgt. of some regiment. I found he did not possess a knife but as P.C. 1050 stated he saw where the accused had thrown it, I sent him back and he retrieved it, I then handed it to the M.P. L/Cpl.. When the accused was holding the knife I did not see the handle but the blade was similar in appearance to the knife in question. I did hear Curlewis call out to Cox on several occasions to put his knife away. That is all I know.

Question by Curlewis:- Was I drunk when arrested?.

Answer:- You were not drunk but were under the influence of drink.

*G. J. Wight*

Summary of Evidence taken by me.  
R.P.4 (c)(d)(e) complied with.

*Bioback*.....Lieut..

*24 Sept 41*

Statement as to Character and Particulars of Service.

NX.6549 Pte. Austin Albert Curlewis 2nd. Reinf. 2/26 Bn.

- (1) No conduct sheet for this man can be found.
- (2) It cannot be stated from unit records whether he has been previously convicted.
- (3) The accused is not under sentence at the present time.
- (4) The accused has been in confinement awaiting trial on the present charges for 7 days in Military Custody, no days were spent in hospital.
- (5) The present age of the accused according to his duplicate pay-book is 23
- (6) The date of his attestation specified in his duplicate pay-book is 3 May 41.
- (7) The accused is entitled to deferred pay in respect of service date of embarkation 29 July 41.
- (8) The accused is not entitled to use Military Decorations nor are any in his possession.
- (9) No records of service or personal records have reached the unit in respect of the accused but I certify that the above is a true record of extracts from available unit records.

*Signed this fourth day of September 1941.*

*Errol Jack Lewis*  
*Senior Base Depot.*  
 A. I. F

*[Signature]*  
*[Signature]*



A471

