

COURT OF INQUIRY

* N. B. - This Form being applicable to any Board of Officers or Committee or Court of Inquiry, this blank to be filled in accordingly.

The signature of each Officer composing the Board, &c., should be attached to the end of the proceedings.

PROCEEDINGS of a *

assembled at #2 CONSTRUCTION COMPANY, NSR. LA JOUX, JURA.

on the 6th. day of November 1918.

by order of Major G. BKlock, O.C. #5 District, C.F.C.
(Ref. D.O. 3278 dated 5-11-18)

for the purpose of investigating and reporting on the death of No. 931303 Pte. Jackson, M., No. 2 Canadian Construction Company.

PRESIDENT.

Captain D. Anderson.

No. 2 Canadian Construction Company, N.S.R.

MEMBERS.

Lieutenant J. P. Norman

Lieutenant G. S. Peacock.

No. 2 Canadian Construction Company, N.S.R.

26 NOV 1918

CANADIAN

Court

The having assembled pursuant to order, proceed to take evidence as follows:-

FIRST WITNESS.

No. 523 [redacted] Sergt. [redacted] being duly sworn, states:-
I am District Transport Sergeant and the deceased No. 931303 Pte. Jackson, M., was employed under me. He had charge of #5 Barn, Remounts, where he slept. I was informed by a man of the stable picquet that Pte. Jackson had gone for a walk between the hours of 7 & 7.30 P.M. on Sunday, October 27th, 1918. During my tour of duty Monday, October 28/18, I called at No. 5 Barn and it was then I observed that the deceased was absent from duty. He had not reported to the barn from the time he had left on Sunday evening. At about 6.30 P.M. the 28th. October I reported to the Orderly Sergeant, #2 Construction Company that Pte. Jackson was absent and asked if he knew of his whereabouts. He replied, No, as he had not been notified officially. I then reported to the Orderly Sergeant of Headquarters Details where the Transport section are quartered.

..... Sergeant.
Transport Sergeant, #5 District, C.F.C.

SECOND WITNESS.

No. 104 [redacted] R.Q.M.S. [redacted] being duly sworn, states:-
I am President of Headquarters Details Sergeants' Mess and the two men under arrest, No. 931 [redacted] Pte. [redacted] and No. 931 [redacted] Pte. [redacted] were employed in the mess and did not ask permission to be absent from their quarters on the night of 27-10-18 and I have been informed by two other assistants of the mess that they had left camp about 6 o'clock on the same night.

M. F. B. 303.

150M.-1-17.

H. Q. 1772-39-133.

..... R.Q.M.S.

P. T. O.

WITNESS. No. 931 [redacted] Pte. [redacted] being duly sworn states:-
I am employed as night stable picquet at #5 barn, Remounts, [redacted] Jackson, M. who had charge of the barn. At about 7 P.M. the night of October 27th. 1918, I was chopping some wood outside the barn. At that time Pte. Jackson, M. was inside of the barn getting dressed. After a few minutes two men came up, whom I recognize now as [redacted]. On coming up towards me, one of them called out, Mike (meaning Pte. Jackson, M.) "are you ready". The deceased replied, "yes, I am about ready". He then came out of the barn and the three went away together in the direction of La Joux Railway Station. (Question by the Board) Did the deceased carry a walking cane? (Answer) Yes, he carried a heavy walking cane about one inch thick, Coloured yellow and black with a hooked handle, which tapered off to a sharp point and the bottom of the cane had a spike about an inch long, tapered off to a sharp point. The deceased did not return when I had finished my tour of duty at 6 A.M. 28th. October '18. At about 9 P.M. 28th. October (Monday) I met the Talbots, and they asked me if Mike (meaning Pte. Jackson, M.) had returned yet. I told them NO. I remember one saying to the other "I wonder where he went".

M. Kirksey.....Private.

FOURTH WITNESS. No. 931 [redacted] Pte. [redacted] being duly sworn, states:-
I am employed at No. 5 barn, Remounts, as teamster. On Monday, October 28th. 1918, about 7 A.M. [redacted] came into the barn hut and asked "has Mike come in yet?" (meaning the deceased) I replied, No that he had not. I remembered him saying that [redacted] and the deceased had been fighting on Sunday night, October 27/18. at about one and a half miles past the Marine House on the Censeau Road. He stated that the deceased struck [redacted] with a cane and [redacted] hit him a blow, and that the deceased fell and did not get up. They then carried him in a field from the road, on the left hand side going towards Censeau. As the deceased had not returned up to Tuesday noon, October 29th., I became anxious about him, so Desmond and I mounted two horses on our own initiative and proceeded to the spot described by [redacted], but in the vicinity of the Marine House, Captain Livingston, Transport Officer, overtook us in a car and asked us where we were going. I explained we were looking for Pte. Jackson, M. who was in a fight on Sunday night, October 27th., in that direction. Captain Livingston then ordered us both back to the barn after asking our names.

He said that he had tried to separate them and that Wallace was so drunk that he would pay no attention to him. (Question of the Court) Did [redacted] say that the deceased was drunk also? (Answer) He did not say if he was drunk or sober.

E. R. Dixon.....Private.

FIFTH WITNESS. No. 931 [redacted] Pte. [redacted] being duly sworn, states:-
I was employed by day under Pte. Jackson, M. at #5 Barn, Remounts. On the morning of the 28th. October 1918, I went to the barn about 6 A.M. I noticed that Pte. Jackson, M. was not around. About 7 A.M. on the same morning Pte. [redacted] came into the barn and asked "Is Mike (meaning Pte. Jackson, M.) back? and I answered No, but he should soon be back, thinking that he was at breakfast. [redacted] then said that Jackson, [redacted] and himself had been out for a walk on the previous night and that [redacted] and the deceased had some words. He said that the deceased hit [redacted] with a stick and that Wallace hit him back with his fist. The deceased fell down and they carried him into the field. He then went away and about an hour and a half later he came back again and asked, had Mike (meaning the deceased) come back yet.

M. Desmond.....Private.

EIGHTH WITNESS (continued)

Question:- Should deceased assume the attitude on Fortune's case being over:- I do not know, only I understand that Pte. Jackson was the sister. Q:- Do you think that was the reason why Jackson called [redacted] a son-of-a-bitch and hit him with his cane? A:- Yes. Q:- Did you strike Pte. Jackson? A:- No. Q:- What relation is [redacted] to you? A:- He is my Uncle. Q:- Did you tell anybody the following morning (Oct. 28/18) that you helped to drag Pte. Jackson into a field? A:- I did not. Q:- Did deceased fall when hit by [redacted]? A:- He did not. Q:- Did [redacted] hit him with anything else than his fist? A:- No. Q:- Was it possible for [redacted] to hit Pte. Jackson a second time with his fist or anything and you not see it? A:- No.

.....Private.

NINTH WITNESS.

No. 931 [redacted] Pte. [redacted] being duly sworn, states:-

I am employed as Orderly at the Sergeants' Mess, H.Q. Details Camp. On Sunday, October 27th, 1918 about 6 P.M., Pte. [redacted] and I started for a walk. On passing No. 5 Barn, Remounts, Mike (meaning Pte. Jackson) asked us where were we going and we said we were going for a walk. Jackson said wait until I get my belt and cane and I will go with you. We then all started in the direction of the Marine House, on the Censeau Road. We entered the Marine House and ordered a bottle of white wine and asked two others who were in the house to drink with us. After staying there about twenty minutes, we started for Censeau where we entered a Cafe and had some liquor to drink. The three of us had several drinks. I would judge that we were in the Cafe about an hour when [redacted] and I wanted to start for camp, but Jackson did not wish to leave. I said to him, do not be like Eddie Fortune and be absent without leave; Jackson got very angry with me. We then started for La Joux. All the time, until we came within a mile and a half or two of the Marine House, we were quarrelling, we wanted him to come to camp, here he suddenly stopped and said he was not coming any further. I passed a remark to [redacted] to come and leave him if he did not wish to come. Jackson then called me a "son-of-a-bitch". I told him that I was not a son-of-a-bitch and walked towards him and asked him to come home wherein he struck me over the eye with his cane. I then struck him in the face with my fist and [redacted] jumped in between us to stop the fight. Pte. Jackson said that he was going back to Censeau and we left him standing on the road. Pte. [redacted] and I started for La Joux together, we arrived at the Sergeants' Mess at about 10 P.M. on Sunday October 27th, 1918.

Question:- Did you strike Pte. Jackson with anything else but your fist?

Answer:- No, I did not. Q:- Did Pte. [redacted] strike Pte. Jackson? A:- NO. Q:- Is it true that you helped to carry Pte. Jackson from the Road to a field? A:- No. Q:- What relation are you to Pte. [redacted]? A:- I am his Uncle. Q:- Were you drunk that night? A:- I knew what I was doing but was under the influence of liquor. Q:- Was Pte. Jackson drunk? A:- He drank more liquor than we did and was more under the influence of liquor that we were, he staggered considerable but was able to walk along. Q:- Did you attempt to kick Pte. Jackson? A:- I did not.

Challaloe Talbot
.....Private.

TENTH WITNESS.

No. 931 [redacted] Cpl. (A/Sgt) [redacted] A. being duly sworn, states:-

I am employed as Sergeant in charge of Russians at No. 2 Construction Coy. On Wednesday, Oct. 30th, 1918, I was proceeding on duty to Villers, via Censeau, by Motor Lorry, leaving La Joux, at about 8 A.M. Hearing a rumour before I left that the deceased had been in a fight in the Censeau direction, I kept a sharp lookout to see if I could find any trace of the deceased. About three and a half kilometres from La Joux, on the right hand side of the road going to Censeau, I noticed a soldier walking slowly in the direction of Censeau. When the Lorry passed the man, I asked the driver to stop. I then jumped off and went back along with Pte. Elms to see who the soldier was. I did not know at first that it was Pte. Jackson, owing to the fact that his face was disfigured, the right eye being badly swollen and completely closed and the left side of his face was badly bruised.

P. T. O.

338. No. 931 Pte. [redacted] being duly sworn states:-
I am a teamster and employed at S Barn, Remounts, under Pte
[redacted] (deceased). On Monday October 28th, 1918, at about 7 A.M., I remember
[redacted] coming into a hut near the barn. He asked "Mike (meaning
the deceased) come back yet?" and we said No. We asked him what was the
matter with him. He replied that the deceased and [redacted] had been a
fight between the Marine House and Censeau. He said that the deceased struck
Wallace with a cane over the head and that [redacted] hit him and knocked him
down and then started to kick, when he [redacted] pulled him back. They then
dragged the deceased into a field. When they left him he was snoring.

R. Brent
.....Private..

SEVENTH WITNESS. Madame Pettegoix states:- On Sunday afternoon, Oc-
tober the 27th/18, I was serving drinks in Juye Hotel at Magasin, Censeau. I
remember the two men that I have recognized together with a much larger
Coloured soldier entered the Cafe. I do not remember the exact hour, but I
think that it was about four o'clock in the afternoon when they were served
with a few drinks. After staying about one half an hour, they went out. They
returned once or twice during the evening, when they had some more drinks. There
was no disturbance among these men until their last visit which was about
9 o'clock. They asked for something to eat which was served to them, also two
bottles of beer which they drank. As it was getting near closing time, I ask-
ed them to hurry as we wanted to close the Cafe. Directly after finishing eat-
ing, (which took them about ten minutes) I noticed [redacted], the soldier
before me, wanted to fight with the largest of the three. When I and [redacted]
[redacted] (whom I recognize) tried to stop [redacted] from striking the
tallest one, I opened the window and asked the tallest one to jump out, but
I do not think he understood me. [redacted] then threw a table towards
the others and kicked and broke a finishing board on the wall. They then de-
parted, and I did not see any of them until yesterday, November 11th, 1918, when
I recognized [redacted] as being the one referred to above (he was with
an escort) I believe [redacted] was under the influence of liquor. The
other two did not seem to be drunk and were very quiet.

M. L. Pallegoix
.....

EIGHTH WITNESS No. 931 Pte. [redacted] being duly sworn states:-
I am employed as cook at Headquarters Detail Company
Serjeants' Mess. On Sunday, October 27th, 1918, I finished my work about 6.
[redacted] and I started for a walk. When passing No. 5 barn, remounts, [redacted]
Jackson (deceased) asked where we were going, and we said for a walk. He said
"wait a minute and I will go with you" He went into the barn to get his coat,
belt and cane, he then came along with us. We went in the direction of the
Marine House on the Censeau Road. We went into the Marine House where we
met Pte. Johnson, G. where we drank a bottle of white wine, which took us about
fifteen minutes. Pte. Jackson suggested that we should go to Censeau and we
decided to go on. On arriving at Censeau we entered a Cafe where we had
several drinks. While in the Cafe Pte. Jackson jumped up from the table where
he was sitting, seemingly troublesome. We then got him out and started on the
road for camp, advising him not to be absent from camp like Eddie Fortune. Pte.
Jackson seemed very troublesome on the road and when about half a mile before
coming to the Marine House, the deceased called [redacted] a son-of-a-
bitch. [redacted] then walked up to Pte. Jackson and Jackson struck [redacted] over
the eye with a cane. [redacted] then struck the deceased with his fist. I jumped
between them, keeping them apart. I told them not to fight any more. We asked
Jackson if he was coming with us, he answered No. We left him standing on the
road and proceeded to camp. (Question) How much heavier was Pte. Jackson than
[redacted] (Answer) I do not know but he looked much larger. ~~xxxx~~

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P. T. O.

11655 (Continued) He had a puttee tied around his head and was missing and he carried some grass under his left arm. I soon recognized him as Pte. Jackson who was absent. Jackson and I knew each other previously, being in the same Company. I asked him if he knew me and could get no reasonable reply. Shortly after this, we met a Lorry going in the direction of La Joux. We placed him in the Lorry with instructions to the driver to take him to the Hospital at La Joux.

.....*A. Taylor*.....Corporal (A/Sgt.)

ELEVENTH WITNESS.

Captain J. S. Clark, CAMC, states:-

No. 931303 Pte. Jackson, M., No. 2 Construction Company, was admitted to Champagne Hospital 31-10-18, in a dull almost semi-conscious condition, with a report of injury and exposure of two days. Examination revealed bruising of head, most marked about the left eye, no incised wounds; temperature normal. No cough nor complaint. Chest examination revealed no abnormality due to exposure. While in hospital, he was under constant ^{observation} examination and was often questioned but gave no information as to how he met with injury. ^{at P.M.} Bruising of scalp extended over both frontal areas, right temporal and occipital areas, penetrating anteriorly to the periosteum. Right eye slightly inflamed, left eye swollen, closed. On removing calvarium the meninges of brain were markedly congested over the anterior portion of both lobes, there was also an area of congestion over right temporal lobe. The brain substance was congested and numerous small blood clots removed from extreme frontal area, extending beneath the optic thalamus. The brain substance was broken down and convulsions destroyed over an area of more than an inch. Very slight static congestion at bases of both lungs, heart, stomach, liver, spleen, kidneys, intestines and bladder normal.

In my opinion, death was caused by Meningitis (Cerebral) due to injuries to head received a week before death.

J. S. Clark.....Captain, CAMC.

FINDING.

The Court, after lengthy deliberation concur with the opinion of the report of the Medical Officer that (1) Death was caused by Meningitis (cerebral) due to injuries to head received a week before death. (2) In accordance with evidence of No. 931 [redacted] Pte. [redacted], No. 93 [redacted] Pte. [redacted], No. 93 [redacted] Pte. [redacted] we are of the opinion that the two men No. 93 [redacted] Pte. [redacted] and No. 93 [redacted] Pte. [redacted] committed an offence under Army Act Section 41. (3) "MANSLAUGHTER"

(3) We are of the opinion that the injuries were inflicted by something other than a blow with a fist, probably a kick or a blow from the deceased heavy cane, described in the evidence of No. 931663 Pte. Kirksey, M.

It is pointed out that the deceased's cane or cane have not been found although diligent search has been made.

P. T. O.

PRESIDENT:-

X Anderson
..... Captain.
No. 2 Canadian Construction Company, N. S. R.

MEMBERS:-

W. J. Brown
..... Lieutenant.
No. 2 Canadian Construction Company, N. S. R.

G. H. Brown
..... Lieutenant.
No. 2 Canadian Construction Company, N. S. R.

APPROVED:-

G. H. Brown
..... Major.
O.C. #5 District, Canadian Forestry Corps.

Dec. 11, 1918.

According to evidence received, I am of the opinion that death was due to injuries to head, received about a week before death and suspicion points strongly to 931 Pte [redacted], and 931 Pte [redacted] #2 Constr. Coy., against which charge of manslaughter has been made.

G. H. Brown
Major.
O.C. No. 5 District, C. F. C.