

THE TIMES

RIFLEMAN'S DEATH IN DETENTION CAMP

ILL-TREATMENT ALLEGED BY WITNESSES

The inquest was resumed at Chatham yesterday on the body of RIFLEMAN WILLIAM CLARENCE CLAYTON, 40, single, of Hayes, Middlesex, who died in a detention camp on March 17. At a previous hearing Clayton was alleged to have been struck twice by a regimental sergeant-major before his death. Lieutenant Johnson, R.A.M.C., giving evidence yesterday, said that he examined the body and found a cut on the back of the head an inch long, and there were signs of bleeding in one nostril. Staff Sergeant Hadley said that he saw Clayton being forced across the parade ground by a quartermaster-sergeant, and heard Clayton say, "I can't do it. I'm choking." Later he saw Clayton, who was carrying his kit and overcoat, being forced along until he dropped his kit. Clayton's face was as white as a sheet, and he was in a state of collapse.

Aircraftman Thomas Brady said that he saw that Clayton was about to fall in one direction when R.S.M. Culliney bashed him in the face with his fists. Clayton fell in the opposite direction, and the sergeant-major bashed him again. He then got hold of Clayton's tunic, shook him vigorously, and punched him with his fist in the mouth or nose. Q.M.S. Salter then struck Clayton across the back with his stick.

Staff-sergeant Archibald Raeburn said that he met Q.M.S. Salter with the man's arm in a lock and gripping his collar, partially pushing him along. Clayton was bleeding from the nose and mouth, and his face had taken on a queer colour. When they had passed him about 10 yards he saw the man collapse on the ground, and Q.M.S. Salter was bending over him and striking him, shouting for him to get up. Ten to 15 minutes later he saw Clayton dead on a stretcher.

The hearing was adjourned until May 5.

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DETENTION CAMP DEATH

MEDICAL EVIDENCE

Further evidence was given yesterday at the resumed inquest at Chatham on the body of Rifleman William Clayton, single, aged 40, of Enfield Wash, Middlesex, who died in a detention camp on March 17. The inquest was then adjourned until next Wednesday.

Pte. C. H. Saunders, South Wales Borderers, said he helped to wheel Clayton to the cells on a cart which contained ashes, rags, and cardboard. In the cell block Staff Sergeant Webber took Clayton by the collar and pulled him off the cart, saying, "I don't know what I'm going to do with this man, I am sure." As the staff sergeant pulled Clayton off the cart he let him go, so that his head hit the ground. Clayton made a gurgling sound in his throat, his eyelids flickered, and his head fell to one side. Staff Sergeant Webber appeared to be in a temper. Clayton's face was ashen grey and he appeared to be unconscious.

Captain W. J. Bailey, R.A.M.C., medical officer of the camp, said Clayton was admitted in October, and on a number of occasions reported sick, complaining of his ear. The witness found he had a perforated ear drum and suffered from a discharge from it, and gave appropriate treatment. Clayton was in category "C" and was excused P.T. On March 11 he complained of abdominal pains, but the witness could find no physical trouble. The next day he complained of breathlessness following marching, and the witness made a fairly full examination of heart and lungs. The heart appeared to be normal, but there appeared to be evidence of bronchitis in the lungs and of emphysema. On the 15th, on a second examination, the witness could find no sign of serious lung trouble. In reply to a question the witness said he would be surprised to find he had missed diagnosing tuberculosis.

Surgeon Commander W. A. Hopkins, R.N., who conducted the *post-mortem* examination, said there were considerable internal and external injuries, which he described. A lacerated wound on the back of the head, which went through all the layers of the scalp, must have been caused by direct violence. The cause of death was pulmonary tuberculosis, complicated by an effusion of fluid into the lung cavity. The injuries must have accelerated death.

THE TIMES

DETENTION CAMP DEATH

TWO N.C.O.s SENT FOR TRIAL

ANOTHER EXONERATED

The resumed inquest on the body of Rifleman William Clayton, single, 40, of Enfield Wash, Middlesex, who died in a detention camp on March 17, ended at Chatham yesterday, when the jury returned a verdict of "Manslaughter" against R.S.M. Culliney and Q.M.S. Salter and exonerated Staff-Sergeant Raphael Webber from blame. Culliney and Salter were committed for trial and allowed bail.

At the previous hearing Private A. J. Wilson said that when Clayton was first brought in to the cells on a cart Staff-Sergeant Webber said, "We don't take dead ones here." On Webber's instructions he and another private lifted Clayton off the cart. Webber only held Clayton's head as they were lowering him. Later they splashed water on his face. The quartermaster-sergeant took Clayton by the tunic and shook him, but he appeared to be dead.

Leading Aircraftman A. Campbell, R.A.F. Regiment, said he saw Clayton lifted off the cart. He did not see Staff-Sergeant Webber do anything to Clayton which anyone could take exception to. He did not see the Q.M.S. shake Clayton or bang his head.

Staff-Sergeant L. Clodes said Clayton was very deaf, and a timid man, always obedient. He had been reported sick on a number of occasions, including the 15th and 16th.

WITNESSES VOLUNTEERED

Yesterday the CORONER, Mr. T. B. Bishop, said he had been told two witnesses had expressed a wish to give evidence.

The first, C. G. Cutmore, Pioneer Corps, said he had volunteered to give evidence earlier, but Staff-Sergeant Wilkie told him that he himself had seen what happened, but was minding his own business.

Cutmore said he was scrubbing floors in the single cell block about 10 yards from a barrow on which a soldier was lying, and which had just been brought in. He heard a thud and saw the man lying on the floor. Seeing the colour of the man's face, he did not like to look any more. When the man was lying with his head in the drain he saw the quartermaster-sergeant shaking the man's head. There was a gash on the back of the man's head and it was bleeding.

Replying to Mr. J. Williams (for Staff-Sergeant Webber), the witness said that after he heard the thud he saw Staff-Sergeant Webber standing on the other side of the cart from the man.

Mr. Williams.—If he had had anything to do with the thud, you would have seen him move?—Yes.

But you did not see him move?—No.

The second witness to volunteer evidence, Pte. E. P. Coles, The Dorset Regiment, said he was in the single cell block when Clayton was pushed in on a cart. Staff-Sergeant Webber then stepped up to the cart, caught hold of one of Clayton's legs, and rolled him off on to the floor on the other side of the cart. Clayton fell very heavily and there was a dull thud. The quartermaster-sergeant said, "That's right, push him off," and then detailed the witness and another man to carry Clayton to the sink and told a man named Wilson to get fresh water.

Staff-Sergeant A. Wilkie, recalled, said that Cutmore was locked up in his cell at the time the cart was in the single cell block.

Captain Day, who represented them, said he did not propose that R.S.M. Culliney and Q.M.S. Salter should give evidence in view of possible proceedings by a military court apart from anything that the civil court might do.

THE TIMES (continued)

WEBBER'S EVIDENCE

Staff-Sergeant Raphael Webber said he wished to give evidence. He said he was in charge of the block at the time, and some kit was brought in by Staff-Sergeant Drury and a soldier and he was told that "there was one coming down," but he did not know who it was. The cart was pushed in by a soldier, followed by a second soldier, Sergeant Smith and Q.M.S. Salter. The quartermaster-sergeant said: "One on to you, Staff," and he walked out over to the cart and saw a man lying on it. He was on his back, with his head inclined backwards and his knees pulled up. There was blood on his upper lip, which was swollen. His eyes were open and staring. His mouth was open and the tongue was curled back in his throat and was very white.

Salter instructed two soldiers to lift Clayton off the cart, and the witness assisted by putting his hands under Clayton's armpits to steady him. As they lifted him off the cart his head dropped forward and he sagged in the middle. As the witness laid Clayton's shoulders on the floor his head dropped back on the floor, but there was no sound. He said to the quartermaster: "This man is dead, or very near to it," and Salter replied: "Do you think so? I think you are right"; and he ordered the man to be carried to the drain and water to be brought and ordered Staff-Sergeant Wilkie to get a stretcher.

Webber said he splashed water on Clayton's face in an effort to revive him, but there was no sign of life. Wilkie came back and said the medical officer was out of the barracks. The witness went to the telephone himself and told the hospital to send someone quickly. Salter left, saying he was going for the R.S.M., and the witness had the man removed to the night watch room, and sat on a chair. Five minutes later R.S.M. Culliney came in and said:—"What happened down here?" Webber replied, "Nothing has happened down here. The man is apparently dead."

A medical orderly arrived and said the man was too far gone to do anything, and so he was put on a stretcher. Webber added that when R.S.M. Culliney was in the building he said to the R.S.M. that the matter ought to be reported to the police right away.

Staff-Sergeant Webber told the Coroner that he joined the Army in 1929 and entered the Coldstream Guards. He was transferred to the Reserve in November, 1932, and became a police officer in the Devon Constabulary three years later. He remained in the constabulary until recalled on December 1, 1939, and had never at any time had any allegations against his character.

Mr. H. B. Figg, who, instructed by Messrs. Culross and Co., solicitors for the British Legion, represented the parents of Rifleman Clayton, said that if the Coroner or the jury wished to hear the history of Clayton's health before joining the Army, the dead man's mother was prepared to give evidence. The CORONER said he would mention Clayton's medical condition during his summing-up, but he did not propose to go further than that.

SUMMING-UP

Directing the jury on the question of manslaughter, the CORONER said they had to consider the question of whether death was accelerated. A man, he said, might be in a dying condition, but had some prospect of living maybe only a week, a month, a year, or even more, but if anyone accelerated his death by even a few hours that did amount to manslaughter. They might find that more than one person was concerned, but in that case it was not necessary for them to decide who actually struck the blow, if a blow was struck. They might find, he went on, that two or more persons, not concerned in the actual blow, if there was a blow, did assist. Finally they had to decide if violence was used, and, if so, was the force used justified? The summing-up lasted nearly two hours.

After a retirement of just half an hour, the foreman said the jury found death resulted from tuberculosis accelerated by violence, caused by R.S.M. Culliney and Q.M.S. Salter, and the jury's verdict was manslaughter against those two men. Staff-Sergeant Webber was exonerated from all blame. The jury expressed grave dissatisfaction with the camp medical officer and recommended that a thoroughly efficient staff should be at the camp, with one officer on duty to examine all prisoners arriving, and they should have a thorough examination. They recommended that a prisoner's history sheet should arrive before or with him.

The CORONER committed Culliney and Salter to Maidstone Prison to await trial at the next assizes. They were released on bail in their own recognizances of £20 each.

Last evening R.S.M. Culliney and Q.M.S. Salter were formally charged with manslaughter by the Chatham police and were then released on bail.

CHATHAM MAGISTRATES

DETENTION CAMP DEATH

N.C.O.S COMMITTED FOR TRIAL

Regimental Sergeant-Major James Michael Culliney and Quartermaster-Sergeant Leslie Dickson Salter, against whom a coroner's jury on May 12 returned a verdict of the manslaughter of Rifleman William Clarence Clayton, who died in a detention camp on March 17, appeared yesterday at Chatham before the magistrates charged with manslaughter. They were committed for trial at Maidstone Assizes, bail being allowed, and they reserved their defence.

Mr. G. R. Paling, prosecuting, said the two accused were men of the highest character in the Army. They were both on the staff of the detention camp. On March 17 Clayton was one of a party of men being marched from the square to carry out their normal duties. He fell out of the squad and was marched off the square to R.S.M. Culliney, who it was alleged, hit Clayton, who fell to the ground. Culliney ordered Clayton to be marched to the single cells block and put him in the charge of Q.M.S. Salter. Salter took Clayton to Clayton's hut to collect his kit and equipment, and when Clayton reached the hut it appeared that he was in a bad state of health, to put it no higher. Another soldier packed his kit for him and then Culliney, it was said, hit Clayton. Clayton was marched out of the hut and on the way, it was alleged, the R.S.M. struck him again and Salter hit him with the cane he was carrying. Clayton fell to the ground and he was said to have been struck again by the Q.M.S.

At the time Staff Sergeant Raeburn, who was passing, told Salter to stop because he said it was obvious that Clayton was on the point of collapse. Salter told two men to put Clayton on a hand-cart and take him to the single cells block. When he got there it was obvious that he was very ill. A medical orderly was sent for and he was taken to an examination room, where he was seen by a doctor and found to be dead.

DOCTOR'S EVIDENCE

Surgeon Commander William Arthur Hopkins, R.N., after describing the injuries of Clayton, and the tubercular condition of his lungs, said that at the time of his death he was a gravely ill man. The injuries to the back of his head could have been caused by a blow or by striking some sharp projection. The injuries to his face and eyes were consistent with a blow from a fist, but it was extremely difficult to give any opinion as to how the injury to the hyoid bone was caused. He thought it possible that it might have been made by a blow while Clayton's head was fixed backwards against an unyielding object. He thought a severe blow would have been necessary. It was not necessarily the case that a man suffering from tuberculosis, as Clayton was, would show signs of it to a man who was not a doctor.

Staff Sergeant Leonard Raymond Hadley said he saw Salter force Clayton across the square and heard Clayton say, "I can't do it, Staff, I am choking." Clayton dropped his kit twice, and he saw Culliney take his right glove off and move his fist in front of Clayton's face two or three times. He could not see whether Culliney actually struck him. All the time Clayton appeared to be in a state of collapse.

Aircraftman Thomas Bradey said he saw Culliney bash Clayton in the face with his fist, and as Clayton appeared to be about to fall Culliney struck him again on the other side of the face. Salter struck Clayton across the back with his cane as he was bending down. All the time Clayton appeared to be ill.

Detective Sergeant F. C. Coe said that Culliney made a statement in which he said Clayton threw his rifle towards him. It hit him in the stomach. Clayton, said Culliney, pushed him and threw himself to the ground. Culliney said that he picked him up and ordered Salter to take him away and put him in the single cell block, but he did not see any undue violence used. Culliney in his statement said that Clayton did not complain to him about feeling sick or about being rough-handled.

MAIDSTONE ASSIZES

SOLDIER'S DEATH IN DETENTION CAMP

TWO N.C.O.s ON TRIAL

The trial was opened at Maidstone Assizes yesterday, before MR. JUSTICE HUMPHREYS, of REGIMENTAL SERGEANT-MAJOR JAMES MICHAEL CULLINEY, 34, and QUARTERMASTER-SERGEANT LESLIE DICKSON SALTER, 36, who are charged with the manslaughter of Private William Clarence Clayton, 40, at a detention camp at Gillingham on March 17. They pleaded "Not Guilty."

Mr. John Flowers, K.C., and Mr. Harold Brown prosecuted. Mr. S. Lyttelton Howes defended Culliney and Mr. L. V. Ardagh appeared for Salter.

Mr. FLOWERS said that on March 17 Clayton, who was detained in the detention camp, was a very sick man, suffering from advanced tuberculosis. The case for the prosecution was that brutal violence was used by the two accused men and that the result of that violence was that Clayton's death was accelerated. It was no answer that this man was in a frail condition of health and that if he had been strong and robust it is possible that the violence these men used might not have had the disastrous effect which it had.

Counsel then proceeded to outline the case against the two men, details of which have already been reported in *The Times* during the hearing before the Chatham magistrates' Court on May 26 and the inquest on the body of Private Clayton at Chatham earlier in that month.

The hearing was adjourned until to-day.

MAIDSTONE ASSIZES (continued)

SOLDIER'S DEATH IN DETENTION CAMP

EVIDENCE OF INJURIES

The hearing was continued at Kent Assizes at Maidstone before Mr. JUSTICE HUMPHREYS yesterday of the case in which REGIMENTAL SERGEANT-MAJOR JAMES MICHAEL CULLINEY, 34, and QUARTERMASTER-SERGEANT LESLIE DICKSON SALTER, 36, are charged with the manslaughter at a detention camp at Gillingham on March 17 of Private William Clarence Clayton, 40. Both men have pleaded "Not Guilty."

It is alleged by the prosecution that the death of Clayton, who was suffering from tuberculosis, was accelerated by injuries he received when he was struck by the two n.c.o.s.

Private Herbert Beck said that when Clayton was handed over to the R.S.M. and the Q.M.S. he tried to get to the ground, as he was too ill to stand. Culliney and Salter forced Clayton towards his barrackroom. Later he saw Salter force a rifle and a pack on Clayton's back and strike him on the back with a cane.

Replying to Mr. S. Lyttelton Howes, who is defending Culliney, Beck said that on a previous occasion Clayton had reported sick, but he was not taken to hospital. Culliney had once stopped Clayton from going sick.

Staff Sergeant L. F. Clodes said that Clayton was very deaf and in consequence rather slow to carry out orders. He was always obedient and seemed to do his best to carry out orders. After describing how he had seen Culliney strike Clayton across the cheek with his open hand, he added that he had seen Clayton breathless on previous dates, but he was much worse on this occasion and was very near collapse.

Replying to Mr. Howes, Clodes said that Clayton had reported sick on a number of occasions and was marked "M and D" by the medical officer. That meant that he might obtain medicine but could do normal duties.

DEATH ACCELERATED

Surgeon Commander Hopkins, R.N., who made a *post-mortem* examination, said Clayton had a wound on the back of the head which penetrated to the bone. The lips were swollen and bruised, the nostrils were bloodstained, and there was swelling and bruising over the left eye. The hyoid bone in the throat was fractured. There was extensive evidence of pulmonary tuberculosis affecting both lungs. The fracture of the hyoid bone was definitely caused by violence. It could have been fractured by a blow, which must have been severe. The cause of death was pulmonary tuberculosis and death was accelerated by the injuries Clayton received.

Replying to Mr. Howes, Surgeon Commander Hopkins said that a man in Clayton's condition was quite unfit for detention or any form of military service.

Surgeon Commander Hopkins was questioned at length on medical matters by defending counsel, and at the conclusion the Judge asked him, "Have any of the questions you have been asked made you doubt in the slightest degree that this man's death was accelerated by the injuries he received?"—No, my Lord.

Colonel C. Clark, Commandant of the camp, said that if an n.c.o. suspected a man of malingering the n.c.o.'s first task was to take the man to the medical officer.

Mr. FLOWERS (prosecuting).—What amount of force is allowed to be used by the n.c.o. if the prisoner resists?—Force may be used, but it must be the absolute minimum of restraining force.

Are n.c.o.s in any circumstances entitled to strike a man?—Not to strike him.

Colonel Clark said Clayton was admitted to the camp on October 8, 1942. He was medically examined before he left his own unit and again the day after he arrived at the camp.

The case was adjourned until to-day.

MAIDSTONE ASSIZES (continued)

DETENTION CAMP DEATH

BOTH N.C.O.S FOUND "GUILTY"

Regimental Sergeant-Major James Michael Culliney, 34, and Quartermaster-Sergeant Leslie Dickson Salter, 36, were both found *Guilty* at Kent Assizes at Maidstone yesterday of the manslaughter at a detention camp at Gillingham on March 17 of Private William Clarence Clayton, aged 40.

Mr. Justice Humphreys sentenced Culliney to 18 months' imprisonment and Salter to 12 months' imprisonment.

The jury recommended that the War Office should take immediate steps to prevent a recurrence of brutal treatment at all military detention camps, both at home and abroad.

The Judge said he agreed with the verdict.

"I am extremely sorry to have to sentence two men with the records which you two have," he told Culliney and Salter. "I am satisfied that the truth of this matter is that the unfortunate man, probably not because he was desirous of being troublesome but because he ought never to have been allowed in the Army at all in his state of health, was, in fact, a man who gave a great deal of trouble to those in control of him. I believe that on this occasion Culliney lost his temper, and behaved in a very brutal way towards a man whom he believed to be malingering."

"I am going to give the fullest possible effect to the admirable reputation which you both have. I think Salter to some extent acted under the orders, or at least under the supervision, of the man who was senior to him."

EFFECT ON MORALE

"This sort of conduct," the Judge continued, "cannot be tolerated for a moment. There are at any moment many hundreds of men under detention and in prison, and this place is virtually a prison. That those persons should be ill-treated is a horrible thought. We pride ourselves upon the absolutely fair and humane treatment which is accorded to those who, for their sins, are under detention. If it were to go forth to the public that lenience to any great extent was shown to people who have been found to have behaved brutally, it would have a terrible effect on public morale."

Referring to the jury's recommendation that the War Office should take steps to prevent a recurrence of the brutal treatment, the Judge said: "It is not a matter with which I can deal in any shape or form."

Earlier in the day both n.c.o.s went into the witness-box to give evidence. Both denied that they had struck Clayton.