

THE PORTSMOUTH NAVAL COURT-MARTIAL.

FINDING AND SENTENCE.

The Court-martial upon Lieutenant Bernard St. George Collard, R.N., was resumed on board his Majesty's ship Victory at Portsmouth yesterday.

The Court was composed as follows:—REAR-ADMIRAL E. H. GAMBLE, C.B. (H.M.S. Empress of India) (president), CAPTAIN E. J. W. SLADE (H.M.S. Terpsichore), CAPTAIN E. F. B. CHARLTON (H.M.S. Ariadne), CAPTAIN C. J. EYRES (H.M.S. Spartiate), CAPTAIN H. F. OLIVER (H.M.S. Dryad), CAPTAIN A. D. RICARDO (H.M.S. Empress of India), CAPTAIN R. J. PRENDERGAST (H.M.S. Aboukir), CAPTAIN N. C. PALMER (H.M.S. Royal Arthur), and CAPTAIN C. F. DAMPIER (H.M.S. Hermione). PAYMASTER-IN-CHIEF (retired) C. E. GIFFORD, C.B., was officiating Deputy-Judge Advocate, and FLEET PAYMASTER W. LE GEYF PULLEN, by Admiralty order, assisted the Deputy-Judge Advocate. Commodore C. J. Briggs (H.M.S. Vernon), was prosecutor. The prisoner was assisted by Lieutenant R. A. Rice (H.M.S. Good Hope) and Mr. Harold H. Payne, solicitor.

The charges were (1) that Lieutenant Collard did, on November 24, 1905, at the Royal Naval Barracks, Portsmouth, commit an act to the prejudice of good order and naval discipline in giving unauthorized punishment to Stoker (second class) Albert Acton, of his Majesty's ship Victory, and in using abusive language to the said Albert Acton; and (2) that he did on November 4, 1906, commit an act to the prejudice of good order and naval discipline in making an improper use of the order "On the knee" to a number of stokers when assembled after evening quarters in the gymnasium of the Royal Naval Barracks.

LIEUTENANT COLLARD'S STATEMENT.

When the Court opened yesterday morning the prisoner read the following defence:—

I would submit that no case has been made out for me to meet except for the fact that I welcome this the first opportunity I have had of refuting the most unfair attacks that have been made upon me both in Parliament and in the newspapers. I have been attacked by most of the halfpenny Press throughout the kingdom for things that I have done and things that I have not done with a virulence which I do not think that anybody in such a humble position as myself has ever before had to put up with. Wherever it has been possible to place a false construction upon my actions it has been done. I have been condemned even for declining to give bit by bit, to be dissected by hostile critics, my evidence as to an occurrence which admittedly had no connexion with the late Courts-martial—namely, the incident upon which the first charge is based. Having already given my evidence to a Court of inquiry I preferred to wait until I could place the whole facts before my superior officers for their impartial judgment.

In spite of all that has been said against me I know it is unnecessary for me to ask the Court to banish entirely from their minds anything excepting what has been brought against me in evidence. I only wish that this first charge had been brought against me a year ago. Then the evidence of Stoker Acton would have been available. Then the evidence of some of the witnesses for the prosecution would have been clear. As it is, no two witnesses against me give the same version. They do not agree as to the abusive words used, or as to whether there were actually any abusive words at all, as to whether the man was on one knee or both knees; as to whether he was in the ranks or several yards clear, and the time he was on the knee varies from one minute to ten seconds. Is it upon such evidence that I am to be convicted of this serious charge?

I absolutely deny having used any abusive words at all. I am not in the habit of using abusive expressions when addressing men. I defy any one to produce evidence to the contrary. I put the man on the knee, it is true, but as for a punishment, authorized or unauthorized, no such idea entered my head, and would not, I think, have entered the head of any one else but for the late unfortunate occurrences. The punishment was to follow later, as was shown by the report-book. The placing on the knee was to make it plain to every one which answer I was then correcting. After all, what is there in this position on the knee which has been so much discussed? What is there humiliating in it to the stoker and not to the seaman? To a single man and not to a body of men? I am a Gunnery Lieutenant and have been on the knee myself while being addressed, apart from the actual firing exercises. I have given the order myself for five years, and never before this, and never before this recent mutinous outbreak, had I ever heard that it was humiliating or that there was any complaint about it whatever. And not only had I never heard any complaint about it, but neither had any one else. So what reason had I to think that it was being regarded as a punishment? I am speaking now of a year ago, before the Press experts had aired their views on the subject. Acton did not think it was objectionable. He did not complain about it, and neither did any one else until a body of stokers, after having been admittedly insubordinate and then good-humouredly submitting to chaff for some hours and perhaps drinking too much beer, are driven to resent it by a few agitators, who, wishing to air imagined grievances, encourage open mutiny, and not even then is there general objection to the order, for after clamouring for hours for "an apology from Lieutenant Collard," it is only by the appeal of "Come, messmates, don't let them be down on us," that the men are induced to sign a request to see the Commodore, as they thought, on the question of their leave being stopped. I am going to prove all this by the evidence so ably drawn by the prosecutor from the witnesses called for the defence of the mutinous stokers at the recent trials.

It has been freely stated that I apologized to Acton, and also paid him compensation, the amount of which varies according to the version of the story from £150 to £200. This is absolutely false, and without a shadow of foundation. I never apologized to Acton; I never had any reason to. I never paid Acton a penny; I was never asked to.

With regard to the second charge, I am not accused of using an illegal order, but of improperly using a legal one. It is admitted that it is a proper use of the order to place a number of men "on the knee" under certain circumstances. The witnesses for the prosecution have spoken as to the state of affairs. For a trivial reason the men on the parade ground showed a state of indiscipline which it would have been injurious to the best interests of the naval service to have overlooked. I ordered them to fall in again. They arrive in a noisy and insubordinate state; they refuse to fall in properly; they do not obey orders or the bugle, "Still"; they are out of the control of their petty officers; the question is, who is to give way, the officer or the men? I gave the order, "On the knee." Men who were already insubordinate refused to obey it. I insisted; they obeyed, and, as the witnesses for the prosecution have said, there was then absolute silence and all fidgeting stopped. Can any one say that this action of mine was to the prejudice of good order and naval discipline? What was to follow later in the day I could not foresee and should not now be held responsible, for, whatever was the reason of the mutinous outbreak, I submit that it has not been proved that my conduct on the two occasions which are the subject of this trial, was in any way the cause of it.

My statement of defence has perhaps been longer than is usual, but the circumstances are not usual. The two charges are serious, but I feel sure that after you have heard the evidence given on my behalf I shall be clear of them.

EVIDENCE FOR THE DEFENCE.

The prisoner, giving evidence on oath, said that on November 24, 1905, as the stoker petty officer could not read properly when mustering the men, he ordered Mr. Hurst, the gunner, to read out the names. He noticed that some of the men did not answer as they should have done, so he called the men to attention, and then told them what they must do. A man very shortly afterwards answered in an insubordinate manner. He ordered him on the knee at once, and warned him of the correct way to answer. He put the man on his knee to single his answer out from others, and gave him a dressing down. He was sure, however, that he used no abusive language. About an hour afterwards he sent for the man publicly, and told him that as he had not been long in the service his behaviour, he considered, was due more to ignorance than to wilful disobedience to orders, so his name would be taken out of the commander's report. The order he gave was "On the knee," and he had never given it in any other way. It was not "On your knee" as stated by one or two witnesses for the prosecution. As to the rumour about paying money to Acton, he did not think the man himself could have originated it, as his particular friend Blackler had never heard it. He first heard of it himself from the *Daily Mirror*. He had never heard from a solicitor or anybody else about this particular incident.

On Sunday afternoon, November 4, 1906, there were between 900 and 1,000 on the parade ground. The weather at the time was damp and rather unpleasant, although it was not actually raining. It was not bad enough to hold evening quarters in the drill hall. The time usually occupied for evening quarters was from three to five minutes, according to the number of men on parade, but the stokers took rather longer than usual to fall in, as Lieutenant Cowan afterwards reported to him. A rain-squall came on, and he ordered Lieutenant Cowan, who was inspecting the stokers, to dismiss them; but many of the men did not wait for the order to march, but at once began a horrible noise, which they kept up all the way to their blocks, about 70 yards away. He looked at the matter as a grave breach of discipline which required instant notice to be taken of it, because if not checked at once he thought it would lead to further trouble in the future. He therefore gave orders for evening quarters to be sounded again in the stokers' blocks. As the stokers arrived in the drill hall they were making a most unusual noise, and appeared to be somewhat out of hand. In his opinion, it was absolutely necessary to get the upper hand of the men, and he did so. Twice he gave the order "On the knee," and about a half went down, while the others shouted "Don't obey," when the men got up again. He told them he intended to be obeyed, and should place the men under arrest if they did not obey at once. Then all went down on the knee. They were then perfectly under control, and he noticed no resentment shown by any of the men. When they arose they were quite still, and made no noise as they marched away, except about a dozen of these when they got outside. But the disturbance was quickly quelled, he believed by the petty officers.

In cross-examination, the prisoner said he joined the Royal Naval Barracks on November 20, 1905, and became senior gunnery officer in January of this year. Before he was senior gunnery officer the order "on the knee" was used for classes under instruction and at battalion drill. He did not remember any one else using the order for the purpose of checking restlessness and inattention when at drill. He believed he was the first to use the order in the barracks for checking or drawing attention to irregularities when men were under instruction. He used it himself before he became senior gunnery lieutenant. He attributed the disturbance on the parade-ground to absolute want of discipline. It was not possible to isolate

the small number, about 5 per cent., who were agitating the others, because they were in a mass at the back. One reason why he put them on the knee was to get at the men at the back. He attributed the disturbance on the parade-ground in the first instance to the rain. The men did not like getting wet. After the "still" was sounded in the gymnasium he attributed the noise to a lot of youngsters.

In further examination by the COURT, the prisoner said he believed the men resented being put on the knee in their best trousers. He felt it necessary to fall the men in at once in spite of the rain. He carried his waterproof out with him, and the men might have done the same. It was unusual to have so many young stokers in barracks at one time.

OTHER WITNESSES.

Commander Mitchell, called for the defence, said that if a stoker were ordered to go down on his knees the man would hesitate to obey it as the order was such an unusual one. He had given no authority for his subordinates to give the order "On the knee" to check restlessness. Lieutenant Collard always gave his orders short and sharp as though he meant them to be carried out. The witness believed that upon one occasion he had given the order "On the knee" to a battalion at the barracks, but that would be the only occasion upon which he had given it. It was the custom to put a battalion on the knee when about to be addressed. It was taught in the Excellent. The custom was confined to a large body of men assembled on shore. He did not consider that the prisoner's manner of giving orders was in any way irritating.

Petty Officer, first class, George H. Hollamby, gunnery instructor, said that he had never heard any complaint about the way the order "On the knee" had been given in the Naval Barracks.

Petty Officer, first class, George Dartney stated that he had never heard the prisoner use any offensive language to the men.

Petty Officer, first class, Graves said that the "On the knee" order had been given once or twice a week at the barracks to training classes. The order had been discussed in his mess, where the opinion was held that it was very bad for the general public looking through the barrack railings to see men upon the knee. He believed the order was authorized by tradition and custom. He would have no hesitation in giving it if necessary.

Stoker John Smith said he signed a requisition to see the commodore on the Sunday night because he understood leave was stopped. The witness had no complaint against the prisoner, nor had he heard of any one else who had, at the time he signed the paper—not even about the "On the knee" order given in the gymnasium on the Sunday afternoon.

Stoker Joseph Foster, Chief Stoker William Taylor, and Stoker Sidney Watts gave similar evidence.

Stoker Leonard A. Birkett said that as the stokers left the gymnasium they were talking, among other things, about the order to stand in the rain not being in the red book (the book of instructions given to men on joining the barracks). The prosecutor.—Does not the book tell you how to lay complaints? The witness.—There is so much in the book that you cannot get time to read it all.

In reply to further questions, the witness raised a laugh by declaring that it was the petty officers who made all the noise in the gymnasium. The witness also said that personally he objected to the "On the knee" order on the Sunday afternoon when the prisoner gave it the third time, because "it was given in a tone of voice more like as if dogs were being spoken to than human beings."

The case for the defence was closed.

FINDING AND SENTENCE.

The Court sat with closed doors practically the whole afternoon considering its finding. At 20 minutes to 6 the finding was announced by the DEPUTY JUDGE-ADVOCATE, as follows:—

The Court find that the first charge is partly proved, inasmuch as it is proved that an act to the prejudice of good order and naval discipline was committed by Lieutenant Collard in ordering one single man to go on the knee in order to reprove him, contrary to the custom of the service, but does not consider that this constituted a punishment, and that the part of the charge of using abusive language is not proved; the Court find that the second charge is not proved. The Court, accordingly, orders Lieutenant Collard to be reprimanded, and acquits him of using abusive language and of the second charge.
