

THE DISTURBANCE AT PORTSMOUTH NAVAL BARRACKS.

A STOKER CONVICTED AND SENTENCED.

The Court-martial upon Edward Allen Moody, stoker, first class, for complicity in the disturbance at Portsmouth Naval Barracks, was continued on board the Victory at Portsmouth yesterday. The Court was composed as follows:—REAR-ADMIRAL A. L. WINSLOE, C.M.G. (president), CAPTAIN A. G. TATE (Portsmouth Dockyard), COMMODORE F. T. HAMILTON, A.D.C. (H.M.S. Excellent), CAPTAIN M. H. SMYTH (H.M.S. Research), CAPTAIN R. G. FRASER (H.M.S. Majestic), CAPTAIN H. L. TOTTENHAM (H.M.S. Mars), CAPTAIN E. C. T. TROUBRIDGE, C.M.G. (H.M.S. Glory), CAPTAIN H. H. TORLESSE (H.M.S. Aboukir), CAPTAIN W. B. FAWCKNER (H.M.S. Cressy), with PAYMASTER-IN-CHIEF (retired) C. E. GIFFORD, C.B., as Deputy Judge Advocate. FLEET PAYMASTER W. LE GEYT PULLEN assisted the Deputy Judge Advocate.

At the opening of the proceedings, the prisoner objected to Lieutenant B. St. G. Collard's evidence given on Saturday, on the ground that he had suppressed certain things.

The COURT ordered the objection to be recorded.

FURTHER EVIDENCE.

Gunner F. E. C. Hurst, asked if he had any personal knowledge of the order "On the knee" being given in any ship or establishment besides the Royal Naval Barracks, Portsmouth, replied that he had at Whale Island, in battalion drill. He could not refer to any written authority for the order, as for example, the drill-book.

The prisoner.—Were you near Lieutenant Collard in November, 1905, when he gave a stoker orders to go on the knee?—So far as I can remember, about ten yards to 12 yards away. I know the order was given, but the details I cannot remember, because the stokers as I mustered them doubled away and fell in on the left, and this man came well in the centre, and I carried on with the next man, so I did not pay attention to what Lieutenant Collard was saying.

Have you any knowledge of Lieutenant Collard being called upon for an explanation by a friend or friends of a stoker?—None whatever.

In answer to the prosecutor, the witness said arrangements were made in rifle exercises, firing, and skirmishing for men to go on the knee, and they were put on the knee at Whale Island for the purpose of officers' addressing the men. In reply to the COURT, the witness said the order was a custom on Whale Island so far as he could go back, and he first joined in 1901 or 1902.

Lieutenant E. L. B. Lockyer said he had given the order "On the knee" to a body of men on more than one occasion.

If this order "On the knee" was a well-known one, did it not strike you as peculiar that on Sunday when the stokers were "fallen in" in the gymnasium a large number of men on your left did not seem to understand what was meant by the order?—No, I do not think it would be peculiar, because the stokers would not be accustomed to it, not having any dealings with the officers concerned.

Did not the men on your right seem to be in the same difficulty as the stokers on the left, or did it not seem that they followed the action of the stokers on your left?—I think the stokers on the right were incited not to obey the order by those in the rear, and it is likely that those on my left did not hear the men trying to incite the others.

The witness said he did not hear Lieutenant Collard use any epithet when he gave the order "On the knee" on Sunday, November 4. He gave the order in the usual tone employed in giving any order. It was not given in an insulting manner.

The COURT.—When the order "On the knee" was given to the stokers on November 4 they had been for a considerable time previously on the parade ground and in the gymnasium, it has been stated, in a state of insubordination; can you give the Court any reason why they should be in this state of indiscipline prior to the order "On the knee" being given?—No, I have no idea why they should be; they were out of control.

Commodore the Hon. W. G. Stopford said he could not say positively that on the Sunday night while he was addressing the men from the platform on the parade ground the prisoner fell out of the ranks with two petty officers to state the grievances of the stokers. He was under the impression that he did see him. So far as he could remember he did not call the stoker petty officers to come forward and state their grievances. He did not remember the word "apologization" being used at all. He heard the word "apology" used. He had not given the officers in the Royal Naval Barracks any verbal or written order as to the use of the order "On the knee." He was not aware that the order was often given by naval officers in the barracks to bodies of men who were fidgetting. He could not say whether the stokers in the barracks had ever voluntarily gone on the knee. They had not to his knowledge. The Leviathan was a ship he could remember distinctly in which the men had voluntarily gone on the knee.

The prisoner.—Why was I arrested?—You were arrested with many others for disobedience to orders in not going to your room when ordered, for riotous conduct, or for being out of your hammock at an improper time, or for making a noise in your block. All the men who were arrested that night, or nearly all, were for one or more of those offences.

In answer to the COURT, the witness said the particular instance to which he had referred of men going voluntarily on the knee was when it was customary for officers and others to give lectures in the evening to the men on various subjects about the situation in the Far East during the Russo-Japanese war and other matters. Maps were pinned on the black-board to illustrate the subjects, and the audience would crowd around as close as possible, when the front ranks would often kneel down in order to allow those behind to see without any order being given. When it was reported to him on November 4 that the men had made a noise in dismissing from evening quarters he thought it was probably due to some youngsters shouting as they doubled in out of the rain; he still thought that was the case.

Lieutenant M. B. Birkett said that on the Sunday night the prisoner appeared to be talking to a crowd, but not shouting. It was quite possible that he was trying to get the other stokers to obey orders.

PRISONER'S WRITTEN STATEMENT.

The prisoner then handed in a written defence, which was read by the Deputy Judge Advocate. He first of all thanked the Court for the facilities given him to prepare his defence. He would not have claimed the indulgence of the Court if he had had longer opportunity for consulting his "friend," but he had no opportunity of doing so until 4 45 p.m. the day before the Court assembled. In opening his defence he wished to say that the rioting at the Naval Barracks on Sunday, November 4, was not premeditated so far as he knew. He knew that there was, and had been for some time, a strong feeling among stokers and seamen against the order "On the knee," as there appeared to be no order in the drill-book or any written authority posted up by the commodore for its being used. Although Lieutenant Collard had been obeyed when giving the order "On the knee," there had been considerable discussion among the men afterwards as to the legality of such an order. No complaint had been made on the matter owing to the fear that the man making the complaint would be marked. It had been stated among the stokers that on November 24, 1905, after the mustering of the stokers' fire party, the order "On the knee" was given by Lieutenant Collard to Stoker Acton in a humiliating manner. Those who witnessed it stated that the words used were "On the knee, you dog." Subsequently Lieutenant Collard, in the presence of the officer of the watch, apologized to Acton for the words he had used. He said to him, "I am very sorry for what I said to you and for what I made you do, and I wish you to tell your messmates so." Surely, argued the prisoner, if an officer could lose his temper on such an occasion and apologize for it afterwards, he was just as likely to have done so on Sunday afternoon, November 4. Complaint had been made to the commodore about this matter, but nothing had been done. On the Sunday night in question the prisoner turned into his hammock in "L" block at ten minutes past 9, and he did not turn out until the mobilizing bugle sounded after 10 o'clock. Therefore, he could not possibly have been in the canteen, nor was there any evidence to prove that he was there or that what occurred was premeditated. He contended that he had no knowledge that the stokers intended to mutiny, and this was proved by the evidence which showed that the riots were spontaneously due to some one in the canteen shouting "On the knee." After the bugle had sounded, the prisoner turned out and pro-

ceeded to the parade ground, where he reported himself to a stoker petty officer and a chief petty officer, as he had no wish to be mixed up in the riots. He therefore walked over to where the stokers were usually mustered and, after the commodore's address, he was marched back to the stokers' block with a party of 20 men. It was impossible to get into the rooms, however, owing to the large number of men who were making a disturbance and shouting. He desired to turn in and get some rest, as he was only recovering from an operation for appendicitis and was still on the light duty list. He therefore tried to persuade the stokers to return to their rooms. At this stage he was violently struck in the mouth and had a tooth broken off. This he considered unusual treatment for a supposed ring-leader from his sympathizers. He asked the stokers what their grievances were, and they hustled around him and started shouting. It was then that Lieutenant Birkett came up, and he asked what the stokers' grievances were, and the prisoner replied that to the best of his belief they wanted the men arrested released. Lieutenant Birkett got three or four men to fall in, and went to see the men released. Having explained what he thought the grievances were, he concluded that he was to be one of the men to fall in, and having got the stokers to their rooms he proceeded to the middle of the parade ground. Here he was told that the commodore had ordered that no men were to be released until all the stokers had turned in, including the three or four who had been called out. He accordingly proceeded to his block with the intention of turning in, as he was not capable of standing any excitement. In talking to the stokers he repeated some of the questions put to him by the men, and that might have caused Lieutenant Birkett to think that he was addressing the men. The prisoner emphatically denied having used any threats either to Commodore Stopford, to Mr. Cox, the gunner, or any one else. On Monday evening he left the canteen just after 9 o'clock, and went to "L" block and turned in. At 9 35 he heard a lot of noise on the parade ground, and turned out, but on looking through the window it was too dark to see far or to find out what was taking place. He heard glass being broken. Just after a patrol entered the room, and ordered the men to turn out of their hammocks and muster on the parade ground. That order he at once

obeyed. On arriving on the parade ground they were ordered to fall in where the stokers were usually mustered. There was a great deal of noise and a considerable time elapsed before any formation could be obtained. When partial order had been obtained the commodore asked the stokers what their grievances were. As he had answered Lieutenant Birkett he concluded that he could say what they were, and, believing that he had given satisfaction in doing so, he accordingly stepped forward, but he again emphatically denied using improper language either to Mr. Cox or to the commodore. When he asked to be taken before the commodore Mr. Cox did not take him, but, just after, two stoker petty officers fell out alongside him, and they told the commodore what the stokers' grievances were. The prisoner did not volunteer any statement to the commodore. After the stokers had been dismissed he went back to "L" block, and, forcing his way through a large number of stokers who were impeding his way, tried to get to his room. His action did not find favour with the men, and they tried to lay violent hands on him, and this, no doubt, created the impression that he was addressing them. In concluding, the prisoner drew attention to some discrepancies in the evidence of one or two of the chief stoker witnesses.

The PRESIDENT.—Do you wish to give evidence on your own behalf?

The prisoner replied that, as all he wished to say was in his written statement, he did not wish to give evidence.

EVIDENCE FOR THE DEFENCE.

William R. Blackler, stoker of his Majesty's ship Duncan, said that on November 24, 1905, he was at the Royal Naval Barracks, Portsmouth. He recollected Lieutenant Collard giving the order "On the knee" to a stoker named Acton. The stoker answered "Here" instead of "Here, Sir" to his name, and Lieutenant Collard said, "Go down on your knee, you dog."

By the COURT.—Action was afterwards taken in the matter. The witness strongly advised Acton that such an insult was a case for the Civil Court, so he made arrangements to go ashore and see a solicitor, but before he got on shore Acton was sent for, and he returned and told the witness that Lieutenant Collard had seen him in front of the officer of the watch and told him he was very sorry for what he had said as it was a very wrong order that he gave him; he wished him to tell his mess-mates what he had said. The witness afterwards saw Mr. Webb, a solicitor, but no communication was made to the senior officer in the barracks.

The PROSECUTOR.—Will you state why, if you considered this man had a grievance, you did not advise him to make a complaint according to the regulations?

The DEPUTY-JUDGE ADVOCATE warned the witness that he need not answer a question if he thought it would incriminate himself, and the witness declined to reply to the question.

The COURT.—Why did you think it was a civil matter?—It was an insult, and I thought unless he got satisfaction it was a case for compensation. Do you imagine that redress of any matter is not usually given in the Royal Navy?—I think that it is very difficult for a man in my position to bring such a matter forward. Has any request to see a superior officer ever been refused to you?—Only in one case have I ever made such a request. On what do you base your answer to my question then?—On general knowledge of what has happened since I have been in the Navy. What action did you anticipate from your visit to the solicitor?—That Acton or his people would bring a civil action against Lieutenant Collard.

Bartholomew Mahony, stoker, first class, said he saw the prisoner in his hammock on the Sunday night about 9 15, and he could not have taken part in doing damage in the canteen that night.

In answer to the COURT, the witness stated that he had not had a grievance at all. He had been quite happy and comfortable in the barracks.

Other witnesses gave similar evidence.

The prisoner having stated that he had not had proper opportunities for cross-examining Lieutenant Collard, that officer was recalled, but he declined to answer a series of questions relating to the alleged use of the expression "You dog" by him in addressing a stoker in November, 1905. The prisoner, who had entered for 12 years, was stated to have an "indifferent" character for the year 1905; on September 6 he forfeited eight days, and had 28 days' imprisonment for desertion; on November 15, 14 days' cells; and on December 30, 14 days' cells. From March to November this year he had a "very good conduct, very good ability" character.

FINDING AND SENTENCE.

The COURT *Acquitted* the prisoner on the first and third charges—namely, those of endeavouring to make a mutinous assembly—and found him *Guilty* on the second and fourth charges—namely, those of inciting stokers to join in a mutinous assembly. He was sentenced to five years' penal servitude.