

# GERMAN SHOT AT SCAPA FLOW.

## CHARGE AGAINST SAILOR "NOT PROVEN."

In the High Court at Edinburgh yesterday Jas. Woolley, a sailor on H.M.S. Resolution, was tried by Lord Armstrong and a jury on a charge of murder. The indictment set out that last June 23 or 24, while on board the Resolution, then stationed at Scapa Flow, Orkney, he discharged a loaded rifle at Kuno Eversberg, of the German cruiser Frankfurt, a prisoner of war on board the Resolution, and murdered him.

Captain A. H. Alington said that shortly after midnight on June 23 he received from the officer of the watch a report that one of the German prisoners had been shot. They could not at the moment find out who had fired the shot. A few days afterwards the men were given leave, and Woolley was one of 10 youngsters who did not return when the leave expired. He was apprehended as a deserter at Leyland on September 18. In the meantime Eversberg had died in hospital. The day after Eversberg had been shot the witness had the German officers paraded and told them that it was not a British action, that he regretted it very much, and that every step would be taken to bring the culprit to justice.

In cross-examination, Captain Alington said there had been a rumour that Peace had been signed, and on the night of June 23 there was a "joy gathering" for the men. If any extra rum had been given out it would only be sufficient to make a man smile. On June 21 the scuttling took place. The Resolution was at sea, and returned on hearing of the incident by wireless. Nothing implicating the accused was heard of until a second Court of Inquiry, held at Weymouth in September. Up to the moment of his desertion his character was spotless. The whole ship's company were most indignant that the incident should have occurred on board their ship.

### FIRING FROM OVERHEAD.

Gunner J. H. Russell stated that he and another sentry were escorting Eversberg and another prisoner when Eversberg was shot in the back, the bullet passing through his stomach and lodging in the deck. The witness formed the impression that the shot had been fired from the boat deck overhead.

John Copeland, an able seaman, said that about 10 o'clock that night Woolley told him in the mess that he was going to shoot a German prisoner, and asked where the rifles were stored. Woolley was drunk. Some time after he met Woolley on the boat deck with a rifle. Woolley left for a little while, and the witness took the cartridge out of the rifle. Woolley afterwards remonstrated with him for doing so and threatened to hit him with the rifle.

Able Seaman William Percy Berry said that between 10 and half-past 10 he saw a man named Wigley, Copeland, and Woolley. Woolley was carrying a rifle, and said he was going to have his own back. He thought Woolley was drunk. Woolley said that he had lost two brothers in the war and he was going to have his own back at the Germans.

Cross-examined, the witness said that he was suspected of having shot the German and was under close arrest for five weeks. He did not mention Woolley's name in connexion with the affair till the last inquiry, which was held at Weymouth.

Asked why he did not report to the sentries the presence of a man with a rifle on the boat deck, Berry replied that he had no love for the Germans whatever.

For the defence Woolley's father stated that he lost two sons on the Somme.

Lord Armstrong, in his charge to the jury, said that Great Britain and the Allies must have clean hands in demanding war criminals from Germany. The trial might attract world-wide notice.

The jury returned a unanimous verdict of "Not proven," and the accused was dismissed from custody.

The verdict was received with applause in Court. Father and son embraced, and Woolley received hearty congratulations from his naval friends.