

# Soldier Murder Case Decision To Be Announced

London, Ont., May 28 (CP).—Kenneth Paul Joseph Howitt, Guelph, 21-year-old private soldier of the Highland Light Infantry of Canada, is in detention at Wolseley Barracks awaiting confirmation and promulgation of sentence passed upon him today by a general court-martial trying him for murder.

Howitt faced a court of senior Canadian Army officers on a charge of murdering R. D. Kippen of Renfrew, a companion soldier of the H.L.I., while they rested in the cellar of a bombed-out house at Bienen, Germany, on March 28, 1945.

The man faced trial first in April, 1945, in Germany, but was returned to Canada for treatment when a field general court-martial found him then mentally unfit. Until March this year he had been a patient in the mental infirmary of Westminster Hospital.

## Sentence Reserved

Sentence of the court was not announced at conclusion of the two-day trial. Confirmation must first come from Maj.-Gen. E. G. Weeks, Adjutant-General of the Canadian Army at Ottawa, through whose office the decision will be promulgated.

In military procedure, findings of the court are made public at the trial only in the event the defendant is dismissed of all charges.

Howitt is believed to be the first Canadian soldier to be tried at a General Court-Martial in Canada on a charge of murder. The hearing, presided over by Brig. H. D. Graham, CBE, DSO and bar, Deputy Adjutant-General of National Defense Headquarters Ottawa, occupied two days, culminating in the address of Major E. D. Lee, deputy judge advocate-general, whose position in court was a legal advisor and director.

## Asks Guilty Verdict

A verdict of guilty of murder with direction that the man was insane at the time was requested by Capt. A. D. Crow, prosecuting attorney, in winding up his case earlier in the afternoon.

Captain Crow said there was no indication of accident, one theory advanced by Defending Officer Major J. C. A. Campbell of Camp Borden.

Capt. Crow told the court he believed the shooting was a "deliberate, cruel and voluntary act." He said Howitt's remarks immediately following the shooting were an implication if not direct evidence of malice. Those remarks and Howitt's actions precluded any possibility of accident, he said.

The defending officer said he based his argument for dismissal on three views.

## Says Howitt Not Normal

If you do not agree this was an accident, there does arise the question of this man's ability to realize what he was doing, or if he did, the question of his ability to realize the seriousness of it. If the court considered him incapable of realization, then the charge must be reduced to manslaughter, said Major Campbell. He suggested that evidence of witnesses was that Howitt was not normal.

Mrs. William Flaherty, Guelph, sister of the accused soldier, said he was one of a family of six children. His father is living. His mother died when he was 4 years old.

The youth joined the army as soon as he became 18 years old. While in service in Canada and visiting at home he showed signs of nervous condition, his sister said.

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