

NON-COMMISSIONED OFFICERS WILL BE TRIED AT WINNIPEG

Pair Said to Have Ill-Treated Other Prisoners After Fall of Hong Kong

Ottawa, March 4.—(CP)—Two non-commissioned army officers, one Canadian and one British, will be tried by court-martial at Winnipeg this month on charges alleging collaboration with the Japanese and ill-treatment of fellow prisoners of war after the fall of Hong Kong, it was announced to-day.

Names Announced

Their names were given as C.S.M. Marcus Charles Tugby, W.O.2, Canadian Army, and Cpl. (A.-Sgt.) John Hugh Harvey, of Britain's Royal Army Medical Corps.

Tugby will face an all-Canadian court martial March 18 and Harvey will face an all-British court a week earlier. Harvey's charges range from manslaughter to collaboration with the Japanese and ill-treatment of fellow prisoners at Oeyama prison camp, Japan, between September 2, 1943, and September 10, 1945.

The charges against Tugby range from collaborating with the Japanese and ill treatment of fellow prisoners at the same camp and over the same period.

The manslaughter charge against Harvey arises from the death of a Canadian prisoner, Pte. John Frisen, of the Winnipeg Grenadiers, about February 2, 1944, the statement said.

Other Charges

Against him, too, are 29 other charges of taking more than his share of Red Cross parcels, improperly depriving fellow prisoners of the contents of the parcels, striking an American surgeon medical officer, disobeying an order from a British officer not to strike a fellow prisoner, three charges of assault and 20 charges of striking fellow prisoners.

Tugby faces 19 charges of collaboration with the Japanese, securing more than his share of Red Cross parcels, improperly depriving fellow prisoners of Red Cross comforts, stealing, improperly exercising disciplinary powers on prisoners, five charges of assault and nine of striking fellow prisoners.

Both courts will be presided over by major-generals and will be made up of officers of the ranks of lieutenant-colonel and major. The judge advocate at both trials will be Major W. M. W. Shaw, assistant judge advocate general, office of the judge advocate general, Ottawa, who has seen service in Italy, England and Europe. The trials will run consecutively and open to the public.

Prosecutors Named

The prosecutor at both will be Capt. F. W. Christie, permanent prosecutor of M.D. 10, Winnipeg, who will be assisted by Capt. W. T. Stewart, legal officer of Petawawa military camp.

Harvey will be defended by Major Errol K. McDougall, R.C.A., of Montreal. Major McDougall recently returned from overseas, retired from the army and returned to civilian status with a legal firm in Montreal, but was called out again on active service for the purpose of this trial. Harvey has also retained Lieut.-Col. J. J. Kelly, K.C., barrister, of Winnipeg, recently retired from the Canadian active army, as civilian counsel.

Major C. C. Longman, permanent president courts-martial at Petawawa military camp, has been named as defending officer for Tugby and this accused has also retained D. A. Golden, barrister, of Winnipeg, as civilian counsel.

In addition to about 50 Canadian witnesses, others are being brought to Winnipeg from England, Australia and the United States.

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