

# THE P.O.W. MURDER AT WOOLER

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## The Body in the Bracken

On the evening of Friday 7<sup>th</sup> November 1947 the body of a German prisoner of war was discovered lying huddled in bracken near a sheep-dipping pen in a field on the banks of River Till, two miles from Wooler near Weetwood Bridge. Police suspected foul play.

The body was believed to be that of 41-year-old Eugen Mergenthaler, who had been reported missing from the P.o.W. camp at Wooler on Friday night. The discovery was at first reported to have been made by local farmer out rabbit shooting. The police did not divulge his name.

After the alarm had been raised, Superintendent J.W. Coxon from Berwick, who was put in charge of the investigation, and Inspector Cruickshank joined the Wooler police in making a search by torchlight, they remained on the scene for over three hours. When he returned to Berwick shortly before midnight, Superintendent Coxon declined to make any definite statement, saying only that, 'Investigations are going on. All I am prepared to say at the moment is that this man met a violent death. Our inquiries will be intensified in the morning.'

An investigation of the site was made in daylight on Saturday. Mine detectors were used to search the site. A belt was found lying near the body, the belt was similar to those worn by P.o.W.s, but it was not the dead man's. A prisoner's cap was found later on the hillside nearby that had yet to be identified. There were footprints in the sand at the riverside, where the initials 'E.M.,' the same as those of the victim, had been written, presumed at first to have been written by the victim, but in fact they had been written by 14-year-old Edward Mason, the son of Mr. J. Mason, a gardener who had found the body while he was out with a shooting party, led by Major A.D. Currie a Newcastle business man. Police-Sergeant Hogg of Wooler said that he believed the murdered man had been killed where he was found. An appeal by police for witnesses was answered by a cyclist, who came forward and made statement.

It was at first thought that Mergenthaler had died from gunshot wounds, but a full medical investigation would be necessary before this could be confirmed. In the event it was revealed that he had died almost at once from 'a most savage and brutal attack.' His body

was badly battered, he was severely injured about the face and head to the extent that identification was difficult. The conclusion was that he had been bludgeoned or kicked to death. There was no sign of a struggle, so Mergenthaler had possibly been attacked unexpectedly from behind. Police were looking for a blunt instrument but no weapon had been found as yet, and no theory had been formed as to the reason for murder.

Eugen Mergenthaler had been seen last at 2pm on Friday 7<sup>th</sup> November when he booked out of the P.o.W. camp guardroom to go for a walk. He was a deeply religious and often went for walks alone. Mergenthaler was a small, slight man, 5ft. 4in. tall and weighing 8st. 5lb. He was due for repatriation home to his wife and four children in three weeks' time.

The official proceedings began immediately, and farm work around Wooler, which involved many of the prisoners, was held up as police began to interview 470 German P.o.W.s., some of whom were called on to identify the body. The prisoners were to be questioned through interpreters over the weekend and their boots were to be examined for blood and skin.

22-year-old Karl Kneissler was soon arrested after bloodstained trousers were found on his bed, which was next to that of Mergenthaler. In addition, it was known that he had left the camp a few minutes before Mergenthaler, and two men, believed to be Kneissler and Mergenthaler, were later seen together.

An inquest at Alnwick was opened and adjourned, during which, 'tall, sallow-faced with deep, sunken eyes, Kneissler stood to attention during the brief civil court proceedings.' He was remanded for eight days on a charge of murder. Through an interpreter Kneissler said that he was 'very sorry to appear before this court as he had done nothing to Mergenthaler,' and, 'I do not understand, I realise I am being charged with murder.' He was handed over to the military authorities for a court martial to be held at Wooler prisoner of war camp.

## THE TRIAL

### First day, Tuesday 13<sup>th</sup> January

Kneissler had been originally designated as a civil prisoner but he was handed over by the magistrates in Wooler to the military authorities for his trial. The trial, before a Court Martial to be held in the P.o.W. camp concert hall, was due to begin on Monday, but was deferred until Tuesday and expected to continue until Friday.

The president of the Court was Brigadier R.W. Andrews, D.S.O., M.C., C.R.A., Northumberland District, with Mr. C.L. Stirling, K.C., representing the Department of the Judge Advocate General (J.A.G.). Three majors on the bench were Major Chapman, 8<sup>th</sup> A.A. Brigade, Major W. J. Morgan, Midland Brigade, and Major Kershaw, No.15 P.T.C., Newcastle. The case for the prosecution was to be conducted Col. Lord Russell from the J.A.G. Department, while defending Kneissler was barrister Mr J. Harvey Robson with solicitor Mr J.M. Edney of Berwick.

In total, more than thirty witnesses were to be called, including several German prisoners, whose repatriation dates had been deferred so that they could give evidence. A picture of the King was hung on a dark-coloured cloth background at the top end of the room; the public were not present.

Kneissler, wearing his brown prisoner's uniform, sat beside his escort facing the presiding officer with the prosecution and defence counsels on either side at tables covered by blankets. He had a 'haggard and worried expression' and stared at the floor. He was described being about 5ft. 9in. tall, with blonde hair and clear cut features, it was claimed

that he had been a Hitler Youth. When the charge was read to him, Kneissler pleaded not guilty. Apart from that he remained silent and appeared almost uninterested throughout the first two days.

In opening the case Lord Russell described the discovery of the murder and the events leading up to Kneissler's arrest. He declared that Mergenthaler had been the victim of a savage and brutal attack. There was extensive bruising all over the face and head. Five teeth were missing; both nasal bones were broken and one eyeball was missing. The injuries had been caused by a crushing form of violence and the teeth, at least, had been kicked out. Samples of blood on the clothing of the accused, particularly his bloodstained trousers, corresponded with group 'A,' the same group as Mergenthaler's. He added that as the pattern of evidence unfolded it would be seen to be largely circumstantial and apparently without motive, but the absence of motive did not mean that the murder had not happened.

The press, eager to make the most of what was already a sensational story, latched on to the number thirteen. Thirteen fellow German prisoners were amongst the handful of spectators occupying the public benches, the proceedings opened on Tuesday the 13<sup>th</sup>, and it was revealed during the day that Kneissler, as well as Mergenthaler, were occupants of Hut 13.

German Police Sergeant E. Kunert, who was on duty at the camp gate on November 7<sup>th</sup>, told how Kneissler left the camp at 2.05p.m. and returned at 5.55p.m. Mergenthaler left at 2.10p.m. He was not on duty when an entry was made showing the dead man to have returned at 10p.m.

Another police sergeant, H. Alexander, who was on duty that day from 6p.m. to 10p.m., admitted making the entry showing Mergenthaler's return because he believed he was in the camp. He was normally very punctual and he believed Mergenthaler had simply forgotten to book in. He admitted that he did not make any check.

In answer to Mr Harvey Robson, Alexander said Kneissler invariably went out alone and so did Mergenthaler.

P.C. Lawson of Wooler described how he had identified the accused at an identity parade as being the German prisoner he saw on Weetwood Bank at about 4.40p.m. on Friday, November 7<sup>th</sup>. He was cycling and had seen Kneissler with another prisoner, who was smaller and older.

The taller prisoner crossed the road towards him and he thought he was going to stop him. He cycled about 300 yards further on then dismounted to walk up a bank. He looked round and saw the two men continuing their walk with the tall one in the middle of the road and the other at the side.

Cross-examined by Mr Harvey Robson, P.C. Lawson said he had never seen either of the men before, but later he replied to a question by Mr Stirling by saying; 'the defendant looked at me in a very aggressive manner, gazing straight through me.'

John W. Ridpeath of Heathery Hall, Chatton, gave evidence of hearing cries and moaning on the hillside near the sheep pen in the gathering darkness;

'I was cycling home,' he stated, 'when I got to the top of Weetwood Bank near the gate by the bend I was obstructed by a 'bus and carried on to the next gateway. As I entered, about 10 yards from the gate, I heard like a shout on my left. I dismounted, I stood for a second. It was a man's voice, coming from a spot beside a single thorn bush. I shouted "What do you want? What's wrong?"'

Ridpeath continued: 'I put my cycle against the gate. I saw a dark object on the braeside, moving towards the thorn bush. Then I saw a cycle light coming up the bank towards me and I waited, thinking it was a neighbour. I said "There's someone shouting like mad." I went home without reporting the occurrence.'

Cross-examined, the witness agreed it was almost dark when the incident happened. The object he saw was 50 or 60 yards away and he could not say whether or not it was a human figure. He got the impression that the shouting, about which there was nothing out of the ordinary, came from the object. They were not violent cries, and they stopped when he called out.

Asked by Mr Stirling to describe the shouts, witness said they sounded like 'Ya, ya, boo, boo.'

Mr Stirling: I got the impression you were frightened.

Witness: Who? Me frightened – When? No, I was not frightened.

The last time he saw the object it was heading towards thick bushes. Then he saw a figure go down towards the hillside towards the river.

The next witnesses were two small boys. Nine-year-old Norman Wilcox of Weetwood Hill told how he had gone with his brother to gather sticks near the bridge over the Till. He heard someone crying the word 'Help.' It was a man's voice coming from near the sheep dip, it cried out three times. 'We ran off home,' continued Norman, 'We were frightened.' Norman, in reply to Mr Harvey Robson agreed it was too dark to see very far. The noise came from a long way off but not as far away as where the river took a bend.

He was followed by his seven-year-old brother, William, who corroborated, but when cross-examined by Mr Robson he could not explain why he had previously stated the cry was 'Oh,' not 'Help,' as he now stated.

Later again, however, he assured Lord Russell the words were 'Help.'

Neither boy, in answer to Mr Stirling, could say what month of the year they heard shouting, but they knew it was before Christmas.

Mrs Wilcox, mother of the boys, recollected her sons running into the house from stick collecting on the night of the murder. They looked frightened.

The next witness was James Inglis of Weetwood Hill. He recalled motoring with his wife towards Wooler when he saw a prisoner in dark clothes. He passed a remark to his wife, 'That's a rough-looking customer.' The man's hair was ruffled; he was not walking smartly. Inglis could not identify the prisoner he had seen and he admitted to Mr Robson that he saw the figure for only a few seconds in the light of his car headlamps. Corroborative evidence was given by Mrs Inglis.

German Lance-Corporal W. Marxt, who slept in the same hut as Kneissler, said that on the afternoon following the disappearance of Mergenthaler, who was also in the same hut, he saw the accused at about 3.30 p.m. He noticed three scratches on Kneissler's left cheek. 'I asked him how he had got the scratches, but he did not answer,' added the witness. Answering Mr Harvey Robson, Marxt could not say whether Kneissler had any close friends, he was 'quite a calm man.'

A distraction in the proceedings occurred when a fire broke out in the hut where trial was being held. The testimony of the German interpreter was interrupted and after a note had been handed to Brigadier Andrews, the presiding officer, he announced: 'The Court is adjourned because the hut is on fire.' The wooden wall of the courtroom had caught fire due to the overheating of a stove. Buckets of water were thrown onto the part of the

woodwork which had burst into flames and after five minutes the proceedings were restarted.

Mr. William C. Mason, of Gardener's Cottage, Weetwood Hall, told how he discovered the body.

'I was out with a shooting party and near the sheep dip I discovered a body among the rushes. It was dressed in brown uniform and the face was covered with blood. One hand was clenched over the body. The trousers were pulled up almost to the knees. I used to speak and nod to the dead man although I did not know his name. He was always alone and was noticeable because he shuffled. He kept his head down and, seen from the back, especially in the dark, could be described as 'sloppy!'" Replying to Mr. Stirling, Mason's view was that the body had been placed where he found it.

The camp adjutant, Captain W.N. Smith, said he first heard of Mergenthaler's disappearance on the Saturday morning. He got in touch with the police and organised search parties. He added that Mergenthaler was a very quiet type of man who always walked out by himself.

Before the court adjourned, Mr Stirling suggested the tribunal might wish to inspect the scene of the crime, but he was told that the area was flooded.

### Second day, Wednesday 14<sup>th</sup> January

Captain Smith returned to the witness box for cross-examination by Mr Harvey Robson on camp procedures. Questioned regarding the prisoners' clothing, Captain Smith said that the Germans did not mark them in the same way as British troops. The prisoners washed their own clothes at the weekends. There was no barbed wire round the camp now and prisoners were known to have left by unauthorised means, so presumably they also re-entered by them.

The captain was also examined at length about camp customs by Mr Stirling, and on the appearance of Mergenthaler. He stated that had never seen Kneissler and the dead man together or with anyone else.

P.C. Bee from Police H.Q. then provided photographs of Mergenthaler, Kneissler and the murder scene.

Police Sergeant H.G. Hogg of Wooler said the body was found in a small clear space about two yards by two yards. The face was unrecognisable because of extensive head injuries. Describing a visit to the hut of the accused on the Sunday after the murder, the sergeant pointed out that Kneissler was not there but he saw him later when he was brought before police officers for questioning. Sergeant Hogg noticed he had scratches on his cheek. Later he searched Kneissler's kit and took possession of a pair of trousers lying on the bed. They were bloodstained. He also recovered two pieces of cloth from the vacant space of the two-tier bed, and a jacket that was hanging at the bed end.

In answer to Mr Stirling the sergeant said he was satisfied that Mergenthaler had been killed where he was found for the following reasons; there were no signs that the body being dragged; the position of the body; the large amount of blood which had seeped into the sand. He had found no traces of a struggle and, despite a search, was unable to find any weapon.

Dr G.E. Stephenson of Newcastle, police pathologist, gave the findings of a post mortem examination. He said that Mergenthaler had suffered severe injuries to face and head. The

cause of death was shock and haemorrhage with suffocation by blood. The injuries could have been caused by the crunching of a boot when Mergenthaler was lying on the ground, a blow from a fist or a weapon, and kicking.

A tooth produced by the prosecution was identified by Dr Stephenson as similar to a human tooth, but refused to commit himself, pointing out to the Court that he was not a dentist. Speaking of an examination of Kneissler, the pathologist testified that there were five superficial scratches on the left cheek. These could have been caused by finger nails, probably with the two hands together, or, by a pointed instrument, or in a variety of ways. In answer to Mr Harvey Robson, defending, Dr Stephenson concurred that that the scratches could conceivably have resulted from a person passing through a thorn bush. Injuries on the left hand side of Mergenthaler's head could have been caused by the foot of an animal. He envisaged a foot treading or pressing on the face. But the wounds to the right side were not so consistent with these views. The blows here were less. He went on to say that Mergenthaler had died by violent acts, inflicted, perhaps, by a man gone berserk.

Pressed by Mr Robson, the pathologist admitted that, with regard to the extent of the injuries, the 'possibility of kicking by an animal must be taken into consideration.' He agreed that the scratches on Mergenthaler could have been caused by hooves.

On further examination by Lord Russell, Dr Stephenson said he did not think all the injuries could have been inflicted by the treading or kicking of an animal, but in replying to Mr Stirling the doctor declared an animal would have had to tread thirty times on Mergenthaler to inflict the injuries, which he would have survived for an hour or more.

Just before dusk on Wednesday, Kneissler, with a British lance-corporal escort, was driven from Wooler P.o.W. Camp in an army truck, two miles along the Wooler to Chatton road to the lonely hillside scene of the alleged crime.

In the convoy of vehicles which drew up on the shoulder of the hill overlooking Weetwood Hall and the Till Valley were members of the tribunal with the prosecuting and defending barristers. Kneissler and his escort followed the party on foot down the steep, bracken-covered slopes to the spot, at that time partly inundated by flooding, at which Eugen Mergenthaler was alleged to have been murdered.

While Captain W.N. Smith, camp adjutant, stepped forward to indicate the exact spot where the victim was discovered near the rushes by the side of the River Till, Kneissler stood for a moment a few yards away surveying the scene. Questions by court members were translated by the interpreter to the prisoner, then he was taken back to the courtroom in the camp for the resumption of the second day's hearing of the prosecution case against him.

### Third day, Thursday 15<sup>th</sup> January

Proceedings were resumed on Thursday morning with the prosecution case continuing. The first witness was Detective Inspector Lyall Blackhall, who said, 'I interviewed Kneissler with a German interpreter and Detective Superintendent Patterson. Kneissler was not then under arrest. I told the accused through the interpreter that we were police officers enquiring into the alleged murder. I asked him if he would give an account of his movements on the afternoon of the crime.'

At this stage the question arose in court as to whether Kneissler's answers in German to the inspector, for which he admitted he was dependent upon the interpreter for translation, would be permissible. Mr Harvey Robson, objecting to the procedure, declared that if the evidence now to be entered constituted interrogation or cross-examination it would be highly undesirable that such material should be before the court for several reasons, but mainly because of the circumstances under which the accused found himself. So far as the

civil police were concerned, the accused was not then in custody, but the police or someone was on the point of arrest, and Kneissler was then under suspicion. Kneissler may not have been technically in custody, but he was under Judge's rules, and if that was so then those rules made it quite clear that the prisoner was not entitled to be interrogated, but he was only entitled to have a statement taken.

After Mr Robson indicated that he wished to address the tribunal on the legal aspect of the procedure, Lord Russell suggested he could clarify the point by continuing his examination of the witness.

Detective-Inspector Blackhall then went on to tell the Court that when they started interviewing P.o.W.s, the accused, as the man sleeping in the bed next to Mergenthaler's, was the first to be brought in. At the time the Kneissler was simply a potential witness. Under cross-examination by Mr Robson, the detective-inspector denied knowing that Kneissler had been brought to the interview from the guard room. He went on to disclose that it was by chance that Kneissler had been the first prisoner to be questioned by the police in opening their investigations. 'We intended to interview every prisoner and look at every prisoner's clothes if necessary,' he added, 'we were content to start at the dead man's bed and work outwards.'

Mr. Robson, after closely questioning Inspector Blackhall of his knowledge of the Judge's rules, withdrew his objection to statements made through an interpreter.

Proceeding with his testimony, Detective-Inspector Blackhall said that when Kneissler was questioned about his movements on the afternoon of the crime, he told him, through the interpreter, that he had gone to Wooler post office at 2.20, walked slowly down the Newcastle road for four or five miles and came back the same way. He said he got aback about 4.45.

'I noticed scratches on accused's face and neck,' continued the inspector, 'I asked him if he would care to account for them. The prisoner replied that he was lighting the fire near his bed and scratched his face on a piece of barbed wire on the wood he was chopping.'

P.C. Elliot and Detective-Sergeant Learmouth stated how police searchers had found a knife handle and the blade of a table knife on the hillside near the scene of the crime. Pieces of human hair found embedded in the rust on the knife blade were identified by an expert as being similar to the hair of Eugen Mergenthaler.

The last of thirty witnesses called by the prosecution on Thursday was Mr Lewis C. Nichols, Director of the Home Office Forensic Laboratory at Wakefield. He described the condition of articles of clothing found on Kneissler's bed, alleged to be the accused's, and the clothes he had been wearing, after scientific tests.

The trousers were smeared and spotted with blood and mud, he said, while the boots seemed to have been cleaned and the soles soaked in water. On the left boot there was a small patch of bloodstaining. The blood on the trousers and jacket was human and of Group 'A', similar to a sample of Mergenthaler's, which he had also tested. A comment was made that the case would probably come to be known as the 'case of the bloodstained trousers.' Holding a knife-handle and blade found by the police, Mr Nichols testified: 'They are part of one knife, broken after the blade has been bent back. The blade gave a faint positive reaction to human blood. Embedded in the rust on the surface were a number of human hairs corresponding to a sample of the hair of the dead man. They could have been derived from Mergenthaler's head.'

Under cross-examination by Mr Harvey Robson, defending, the witness said that approximately 40 to 45 per cent. of people, were blood group 'A,' and as far as the hair was

concerned, it could have been derived from Mergenthaler's head, but he would not say that it was definitely was, only that it was identical.

In a brief summing-up, Colonel Lord Russell, prosecuting, contended that the bloodstained clothing provided the final link connecting Kneissler with the crime. He said that the evidence of extensive bloodstains on Kneissler's clothing was such that one could not believe his story that he only went for a walk on the afternoon of the murder. Nor could he accept the suggestion of the defence that the injuries to the dead man's face were caused by the hooves of an animal, as the animal would have had to stamp on the face some thirty times.

Kneissler declined to give evidence and no witnesses were called for the defence.

Mr Harvey Robson, defending, said the prosecution had failed to prove that Mergenthaler was killed by a human being or that the killing amounted to murder. During a three-hour address in defence, he made a suggestion that Kneissler, 'this passive, inarticulate, childish young man,' who had no motive for murder, may have been the victim of a 'wicked plant' by some other person. He emphasised that Kneissler's bloodstained trousers were found by the police lying openly on the bed, and it was significant that Kneissler's socks bore no signs of blood.

Developing his 'plant' theory, Mr Robson went on: 'No attempt was made to conceal the clothing. The trousers were lying folded in full view of the barrack room. If the accused had failed to wash the trousers he would certainly have concealed them or burned them. Supposing some other person killed Mergenthaler, I submit they could hardly find a better victim than the accused by nature of his solitary nature, by his acquiescence, by his passiveness – the very person you would choose to make the victim of a wicked plant. If someone had a grievance against Mergenthaler that person would have all the time in the world to decide what he was going to do to get out of it. In Kneissler he would have the perfect victim – the sort of person who, if he is planted with bloodstained clothes or if his own clothes were smeared with blood, by virtue of his nature would find it difficult to explain in exoneration of himself in the face of what might be regarded as damning evidence. He is not a quick-witted, intelligent, resourceful person who would instantly sum up all the factors of the case.'

Mr Robson added that if one envisaged the possibility of a 'plant,' the socks, on which there was no evidence of bloodstaining, would be just the articles the 'planter' might overlook.

Mr Stirling, Judge Advocate, applied the title 'The case of the bloodstained trousers,' during his final speech.

'Exhibit 5 (the trousers),' he declared, 'is the most important in the case. The defence has never argued the trousers as they were found could have got in this condition by any explanation the accused offered. They were found on his bed, creased but not washed. Were those trousers Kneissler's? There was not much evidence to support the defence theory. The defence argument was that accused must have been stupid to leave bloodstained trousers lying about so openly. Perhaps he was stupid – perhaps he was not.' Kneissler had admitted during police questioning that he had two pairs – one he was wearing and the other lying on his bed. When the second pair was produced he confirmed that they were his.

Mr Stirling added; 'If you accept the accused as having worn those trousers, as he said to the inspector, and after he came in that night of the alleged murder he changed them, then how did this blood staining occur?'



His final words to the Court were:

'As long as Mergenthaler was within the King's Peace he is entitled to just as much protection as a British subject. Accused is within the protection of the King's Justice. They are Germans, you are British officers. You will be fair to the victim and just to the accused. For him there will be the same meticulous, just treatment of the evidence which you would accord to a British soldier if he were sitting charged, unhappily, as is the accused in this case.'

The court adjourned.

#### Fourth day, Friday 16<sup>th</sup> January

In part of his summing up, the Judge Advocate, Mr Stirling, said that the two men were not friends or enemies, in fact, quoting Kipling, he said that they were as cats who walked by themselves.

Kneissler's trousers were said to carry bloodstains of the same group as the murdered man's. The defence had suggested that some other person had worn Kneissler's trousers to commit the murder and had then put them back. There was no supporting evidence.

Karl Kneissler was charged with murdering Eugen Mergenthaler on Friday November 7<sup>th</sup> 1947, he was found guilty and sentenced to death by hanging.

Throughout his trial Kneissler, who had pleaded not guilty to the murder, had maintained a dispassionate interest. But his passivity broke when pronouncement of his guilt was translated and he sobbed like a child. Then he was calm again as he listened to Brigadier R.W. Andrews, the presiding officer, announce the death sentence to a packed courtroom, including other German prisoners.

The sentence was subject to confirmation by a higher authority, to whom Mr Stirling, Deputy Judge Advocate General to the Forces, agreed to refer, as well as to submitting final evidence from Germany of the Kneissler family's mental state.

#### The Mentality of Karl Kneissler

As to the mentality of Karl Kneissler, Camp Adjutant Captain W.N. Smith, said that Kneissler was not always well-behaved. He had committed one offence for which he was punished, and two minor offences for which he was not punished. In the latter part of 1946 he stole from his comrades, while a farmer complained about his work. On another occasion he had walked back from Ellingham Hostel to the camp. He kept himself very much to himself and was not violent. Last year he had put Kneissler into hospital for observation with the intention of sending him to a psychiatrist, if the German prison doctor agreed, because he was acting childishly, but the doctor did not think it necessary.

The impression of Captain Smith was that Kneissler was childish; 'Kneissler was the type who always agreed with remarks or questions by other people and was more than open to suggestions. He was not a man who would stand up for himself.'

Documents received from police in the French Zone of Germany stressed that the family was not insane, but it was neurotic, of low mentality and intelligence. Neither the father, the mother, the two sisters, nor the accused had been sterilised.

Kneissler's school teacher from 1932 to 1940 described him as 'simple-minded, not bad, nor a trouble-maker, but one of my worst pupils, without will-power.'

A Presbyterian minister, who said he had studied the character of Kneissler, reported: 'He was a simple-minded boy without any possibility of learning. I don't want to say he was mad. He was not quite normal. Five years ago he attempted to commit suicide in a fit of mental depression by opening the veins of his left wrist. I would not be astonished if captivity had made him almost mad and that captivity has deprived him of part of his mental powers.'

### The Final Plea

Mr Harvey Robson, the defending barrister, in a final plea for leniency after the accused had been found guilty, invited the Court, comprising Brigadier Andrews, three majors and a captain, to find that Kneissler had acted on an impulse. 'He hardly possesses the normal measure of resistance to wrong which one expects. In those circumstances, handicapped as he was, in a way which made him so very much open to outside influences, his crime, grave as it is, is one which in my submission is not to be visited with the most extreme penalty.' Going on to describe the effect that captivity is bound to have on a prisoner, Mr Robson pleaded: 'Is he not in truth a real casualty of the events of war, no less than Mergenthaler was a real casualty? His normal self-judgement and self-control has broken down. For some reasons which it is not possible to discover now, this youth's surroundings, the situation in which he had lived for a long time, his friendlessness, his lack of opportunity to find solace and encouragement, has so acted upon him that upon some spark, some sudden twist of events, he was unable to control himself.'

A dramatic last-minute incident in the case occurred while Mr Robson was making his plea. The curtained backdrop behind the presiding officers was suddenly thrown open, and a civilian wearing a light raincoat stepped onto the scene. He was still apologising as he was hustled out. Apparently he had mistaken a door for the official entrance.

### Kneissler in Prison - A Question of Sanity

Now a condemned man, Karl Kneissler was due to be transferred from the Wooler camp to Durham jail but the civilian authorities there refused to accept custody of a military prisoner. A special Home Office order would be required before he could be returned to the civil authorities and lodged in prison, so it was decided to transfer him to Ponteland P.o.W. camp with a British army escort. He remained in Wooler over the week-end and on Sunday the other German prisoners bade him farewell before they left for their new quarters. The transfer to Ponteland had been arranged some time before, but the order to travel was not received until Monday afternoon.

It was expected that some time would elapse before confirmation of the death sentence was received. It was understood that under the Geneva Convention a third Power would have to consider all the facts.

Immediately following the verdict, Mr Edney, the Berwick solicitor who had acted for Kneissler's defence, made representations to the G.O.C. in C. Northern Command, the confirming authority, for a commutation or a reprieve on medical grounds. A Newcastle psychiatrist who had examined Kneissler prior to his trial attended the court martial, but he was not called on by the defence to give evidence. His findings, however, together with the reports from the French Zone submitted to the military court, would probably form the basis of the representations.

An offer of support in the form of a petition to commute the death sentence was received by Mr. Edney from the Newcastle-upon-Tyne Labour Party Executive Committee. The offer stated that 'the committee have unanimously agreed to support a petition to the King to commute the death sentence on Karl Kneissler,' and was signed by Mr Fran Russell, chairman.

Mr Edney said, 'I have heard nothing of a reprieve petition. There is no appeal as such against the findings of a court martial. The sentence has to be reviewed by the confirming authority, G.O.C. in C., Northern Command, and the Judge Advocate General's Department.' No petition had been organised because the finding and sentence were still awaiting confirmation, these had to be reviewed in turn by the confirming authority, the Judge Advocate's Department, the Secretary of State, and, finally, the King.

Weeks later, in early March, Kneissler was still in custody at Ponteland Camp, there had been no word of any developments. Although he had waited under sentence of death for almost two months, since January 17<sup>th</sup>, to hear his fate, Kneissler was reported as being quite composed. Mr Edney commented that such a time lag was without precedent and that in an endeavour to speed up the decision he might approach Brigadier R.A.F. Thorpe, M.P. for Berwick Division. Brigadier Thorpe agreed to ask in the House of Commons for an explanation. Mr Emmanuel Shinwell, War Minister, stated that the matter was 'under final consideration' pending a special psychiatrist's report. The brigadier informed Mr Edney that he had been in touch with the War Office, who could give no information beyond stating that the verdict has not yet been confirmed.

Only days later, after a review at 'the highest level' in London, news came that Karl Kneissler, after 62 days in the death cell, was not to hang. The death sentence had initially been suspended for five years, but the King was expected to confirm a recommendation that he should be reprieved. The findings of the military court on the facts of the case were not in dispute, Kneissler had been examined by a psychiatrist and the reprieve decision was based on the state of his mind when he killed the other man. There was a possibility that the military authorities would ask the prison commissioners to transfer him to Broadmoor.

A telegram from Brigadier Thorpe announced that the reprieve was granted on 11<sup>th</sup> May for Kneissler, who had been under the sentence of death for 116 days. On the 13<sup>th</sup> the War Office announced that the death sentence had been commuted by the King to penal servitude for life. Kneissler by then had been transferred to Featherstone Park Camp P.o.W. camp near Haltwhistle, where he had celebrated his 23<sup>rd</sup> birthday in the condemned cell.

### A Visit from his Father

In March, while Karl Kneissler was in the prison camp at Ponteland, Mr Edney had received a letter from Kneissler's father, Christian Kneissler, asking permission to visit his son. Kneissler's parents and two sisters lived at Freudenstadt in the French Zone of Germany. He forwarded the letter to the Home Secretary, requesting authority for the visit. In early April permission was granted for Herr Kneissler to come to England but he needed £25 for his fare. The cost of the 'mercy trip' was to be met chiefly from an International Red Cross grant of £40, it was not known how long he would remain in England. In the meantime Karl Kneissler was transferred from the condemned cell at Featherstone Park to begin a life sentence at the civilian prison in Lincoln.

On Sunday 23<sup>rd</sup> May Christian Kneissler, who was a 58-year-old house painter and decorator, was met at Liverpool Street station in London by Mr. F. Bieri, chief of the London

delegation of the International Committee of the Red Cross, who put him on the train to Lincoln.

He was described as a slightly built, middle-aged, grey-haired man, dressed in a shabby black suit, clutching a battered brown suitcase. It was raining heavily that day, the wind was cold, but he had no overcoat. When his journey commenced the previous Tuesday, the Black Forest region was enjoying an early heat wave – hence the absence of an overcoat. Herr Kneissler spent three days in Hanover and then resumed his journey to the Hook of Holland and travelled on the night boat to Harwich from where he went to London. The journey from his home to London had been made under an escort provided by the Control Commission.

During the brief time he spent in London he told reporters through an interpreter that he could not imagine his son committing a murder.

‘He was always such a quiet boy at home,’ he said, and shaking his head, he murmured, ‘I can’t understand it.’

When asked why his wife was not with him his eyes filled with years. ‘She is very ill,’ he said, ‘so I have come alone, bringing with me her love for Karl.’

Herr Kneissler claimed that neither he nor Karl, who was his only son, had been members of the Nazi party. Karl had gone straight from school into the Labour Corps, then, in late 1943, he had gone home on leave and joined the army. His parents never saw him again, for in June 1944 he was taken prisoner at Caen shortly after D-Day. This was to be their first reunion in almost four years. Ever since his arrest Karl Kneissler had written many letters home, in every one of which he vehemently protested his innocence, and the father believed in his son’s innocence.

At Lincoln railway station a prison officer, who had been given a description of Herr Kneissler by phone, touched him on the arm and signed to him to accompany him over the station bridge. They got into a taxi and drove straight to the prison. Shortly after his arrival Herr Kneissler had a brief interview with his son. During the few days he was to be in Lincoln he had been provided with lodgings by arrangement with the prison authorities.

Christian Kneissler had travelled nearly 1,000 miles from the Black Forest in Germany to see his son, to talk to him about his own life and to pass on the messages of love sent by his sick mother and his sisters. Prison regulations had been stretched to allow three interviews but this was not enough, in the end Herr Kneissler did not have time to hand over a cake he had brought from home.

### In the End?

Karl Kneissler was transferred from Lincoln jail to a German prison camp at Werl, Westphalia. Christian Kneissler, on his return to Germany, still believing his son to be innocent, appealed to King George through the normal, legal channels for the case to be reopened, a German bishop wrote on his behalf, but the appeal was unsuccessful. A second appeal to the King was made a year later, in May 1949, for a reprieve but that was also turned down.

The British newspaper reports end at this point and the ultimate fate of Karl Kneissler is unknown. Did he die in jail? Was he granted parole? Did he end his days in a mental institution? The trail must be picked up in Germany.