

REBUTTAL - 1

Witness for  
Prosecution  
in Rebuttal

The Prosecutor, with leave of the Court calls Capt. (A/Major) R.A. Butterworth, A 16 Canadian Infantry Training Centre, C.A., for the purpose of rebutting a material statement made by the accused. The witness being duly sworn, being examined by the Prosecutor, states as follows:

- Q. You are Capt. (A/Major) R.A. Butterworth, A 16 Canadian Infantry Training Centre, C.A.?
- A. That is correct.
- Q. Do you recognize the accused?
- A. I recognize the accused as Pte. Altenhofen.
- Q. Did you have any conversation with the accused on the 26th of March, 1945?
- A. On the 26th of March, 1945, on the morning of that date, I was in telephone conversation with the accused. The telephone had been passed over to me by Sgt. Ripley, our Administrative Sergeant, who told me that Pte. Altenhofen was on the 'phone and that he wanted to speak to me. I took the 'phone and spoke to Pte. Altenhofen and at that time he advised me that his family were quarantined. I do not recall whether they were quarantined for measles or scarlet fever, but it was definitely quarantined, and he was under the impression that he would not be able to return to his unit. I then advised him that he would have to get a medical certificate, certifying that his family were quarantined, but that he could not be quarantined with his family, and that he would have to report back to his unit by 1200 hours on the 26th of March.
- Q. Major, was that an order you gave him to report back at 1200 hours?
- A. Yes, I told him that he must report back.
- Q. Did you think there could be any misunderstanding of the telephone conversation?
- A. As I interpret my own words I could only take the meaning from that that he would report back. He was ordered to report back.

Cross-examined by the Defending Officer.

- Q. Major Butterworth, I understand when Pte. Altenhofen 'phoned the Orderly Room on the morning of the 26th that Sgt. Ripley answered the 'phone, is that correct?
- A. That is correct.
- Q. And he turned the 'phone over to you?
- A. That is correct.
- Q. Did you properly identify yourself to the accused as Major Butterworth?