

- Q. 18 - Yes sir. As you open the door he would be behind it. He had his back to the door because I had to look over to see who it was lying there.
- Q. 19 - What called your attention to the fact that he was there?
- A. 19 - Seeing him lying there.
- Q. 20 - Was he calling you or anything?
- A. 20 - No sir. There were two or three others there at the time. This particular man was lying down.
- Q. 21 - Were you in his platoon at that time?
- A. 21 - Not at that date sir. He had been in my platoon.
- Q. 22 - Did he give you any idea as to what his trouble was? He didn't complain of pain?
- A. 22 - No, he just said he was sick.
- Q. 23 - Had you seen him before that day?
- A. 23 - No sir, not at any particular time I can recall.
- Q. 24 - Did you see him after that that day?
- A. 24 - No sir, just that one time.

2nd witness, A. 3790 Pte. Baker, J. G., No. 1 Canadian Infantry Holding Unit, having been duly sworn is examined by the defence.

- Q. 25 - On the 16th October, 1940 were you a member of the Company of Pte. Barnard?
- A. 25 - Yes sir.
- Q. 26 - Were you a member of the same platoon as Pte. Barnard?
- A. 26 - Yes sir.
- Q. 27 - Did you see Pte. Barnard on the morning of October 16th?
- A. 27 - I don't know the date. I remember I saw him the morning he was charged with not being on parade.
- Q. 28 - That is the morning. Where did you see him?
- A. 28 - In the drying room.
- Q. 29 - In the drying room. Did you have any conversation with Pte. Barnard?
- A. 29 - Yes sir.
- Q. 30 - And what was said then? What did you say?
- A. 30 - I can't remember that sir.
- Q. 31 - Well give us the general subject of the conversation in your own words.
- A. 31 - During the conversation I asked him why he was not on parade and he said he was sick. I asked him if he was going on parade and he said something about going to the M. O. or something to that effect.
- Q. 32 - Did he say he had seen the M. O.?
- A. 32 - No sir.
- Q. 33 - What was the appearance of Pte. Barnard as you saw him on that day? I mean did he appear ill?
- A. 33 - I can't say that sir. He was lying on the floor and I didn't pay much attention to him at the time. I was just in the drying room talking to him a few minutes and I went out again.

Cross-Examination by the Prosecution

- Q. 34 - What time of morning was this, do you recall?
- A. 34 - It would be between eight and nine as far as I can remember.
- Q. 35 - He didn't appear to you to be so sick as to require any assistance from you?
- A. 35 - No sir.
- Q. 36 - And he didn't complain to the extent that you recall even what he said?
- A. 36 - I don't know what he said sir.
- Q. 37 - You recall this by saying the day he was charged with being absent from parade?
- A. 37 - The reason I said that sir, was that it was after that he went s. w. l. and I happened to know that that was the morning.

The accused A. 4192 Pte. Barnard, D. L. No. 1 Canadian Infantry Holding Unit, having been duly sworn is examined by the Defence.

- Q. 38 - Pte. Barnard with regard to this first charge - that is, failing to appear at the place of parade on Company parade at 0800 hours on the 16th October, 1940, will you please state in your own words what you saw and heard on that day?