

First Witness for the Defence

Capt E.F. Lunney, 28 Cdn Arm'd Regt being duly sworn is examined by the Defence

- Q.1 Were you sometime OC of A Sqn?
 A.1 I was acting Sqn Comd from sometime in July until the middle of Oct.
 Q.2 You are presently 2 i/c of the Sqn?
 A.2 Yes.
 Q.3 You know the accused?
 A.3 Yes.
 Q.4 Would you tell what type of a soldier he is?
 A.4 All the time I was with the Sqn he filled the bill as far as I was concerned of being a good soldier in every way. He was covering as a Dvr Mech and looked after his veh I never had to speak to him on any occasion.
 Q.5 Mr. McQuarrie is presently tp leader of No. 3 Tp?
 A.5 Yes that is right.
 Q.6 Was there any friction in the tp at all that you know of during the period up to the time that Mr. McQuarrie took over?
 A.6 No they were very disappointed when they lost their Sgt but as far as I would say, it was no.
 Q.7 Have they had a Sgt since then?
 A.7 No, we have been expecting him back any time.

The Prosecution declines to cross examine

In the opinion of the court and the judge advocate it is not necessary to comply with the provisions of R.P. 83(b)

THE WITNESS WITHDRAWSSecond Witness for the Defence

K 74350 L/Cpl Graham, N.E. 28 Cdn Arm'd Regt being duly sworn is examined by the Defence.

- Q.1 You are L/Cpl Graham, No. 3 Tp A Sqn 28 Cdn Arm'd Regt?
 A.1 Yes sir.
 Q.2 You are presently senior N.C.O. of that tp?
 A.2 I am sir, at present.
 Q.3 Do you remember the 12th of Oct, 1943? Do you recall a little matter that arose between Tpr Lyons and Mr. McQuarrie?
 A.3 Yes sir.
 Q.4 You saw Mr. McQuarrie when he was talking to Tpr Lyons?
 A.4 No sir.
 Q.5 Did you see Lyons during the meal parade?
 A.5 He joined the meal parade behind me.
 Q.6 Where was the rest of the tp?
 A.6 Most of the tp had fallen in ahead of me.
 Q.7 Where did Mr. McQuarrie fall in?
 A.7 He was I think behind us, one of the last to fall in, I think there were two other members of the tp between Lyons and myself, there was myself, Lyons, two other members and then Mr. McQuarrie.
 Q.8 That particular day did the system whereby the tps fell in by tps was it in effect or was it by Sqn?
 A.8 We went to meal parade on our own time, I think the tp was going through in their proper order but they were all over.
 Q.9 It was not the regular order?
 A.9 Not exactly sir.
 Q.10 Did the tp form up as a tp to go on meal parade?
 A.10 I don't believe they did, I saw one or two go over by themselves and I went over by myself.

Cross examined by the Prosecution

- Q.11 You had your order in which you were to go through meal parade?
 A.11 We had it at times but it was not always adhered to.
 Q.12 The tps stayed in their position in the woods in order to be concealed when the cook's lorry came up?
 A.12 We were supposed to stay under cover by tps.

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