

F. I. C. No. 100-100000
EXHIBIT 100-100000-100000

27 OCT 44

EVIDENCE FOR THE PROSECUTION

1st. WITNESS FOR THE PROSECUTION

Capt. J. H. [Name], [Rank], [Service], having been duly sworn, deposes and says:

On 5 Oct 44 I was the N. O. of 1 CBT, [Location], [State], the accused, when I was here, [Location], [State], and [Location], [State], and inspection post at 1 CBT, and according to the medical record he required certain inoculations. [Location], [State], I did not check on the particular type he needed for typhus typhus, he said he was not going to take it, [Location], [State], reason and he said he did not want to take any more, he thought he had enough and he did not feel he needed any more. I then explained to him that there was a RO which required that all personnel in the Cdn Army be inoculated and vaccinated on the authority of a med officer. Following this explanation I gave him a second opportunity to accept the inoculation, he refused again. I warned him that he could be charged for failing to comply with an order of a superior officer and I believe I quoted the section of the Army Act under which he would be charged. Then I phoned his company and advised them that the man had refused the inoculations and left the matter in their hands. He was not roudy or boisterous in his refusal, he merely stated he did not feel that he needed any more, he was quiet and showed no signs of actually disobeying orders, he simply would not accept the inoculation even after I ordered him to do so.

CROSS EXAMINATION

- Q With regards to this inoculation, supposing it was typhus, do you give a man one shot one day and another a following day?
A No, if they have not been inoculated for typhus they are given a shot at the least a week intervals and usually longer, if they have been inoculated and require a booster they only received one shot and no more.
- Q How often do you inoculate soldiers for TART?
A One half a cc per year.
- Q You would not inoculate a man twice in one day for the same thing?
A Definitely not.
- Q Was this man inoculated on the 5 Oct for typhus?
A I do not think so, the document clerk checks the Ft I of the pay books as the men enter the MR and make the entry, in this case it is possible that such an entry was made and perhaps signed, I did not inoculate him. The clerk merely makes the entry and sends the man to me with the assumption that he will come in and take his inoculation or vaccination, then the book is signed, I've allowed the clerk to sign the book for me.

In the opinion of the Court it is unnecessary to comply with RF 83(B)

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