

- Q. 35 Were you there when he was warned?
- A. 35 Yes, Sir.
- Q. 36 Was he told, in your hearing, that if he went absent, after a certain date, he might be considered a deserter?
- A. 36 Yes, Sir.
- Q. 37 You heard that?
- A. 37 Yes, Sir.
- Q. 38 Did you see Private Hamilton after his apprehension?
- A. 38 I saw him just once, when they made the Summary of Evidence, Sir.
- Q. 39 That was when?
- A. 39 At the beginning of this month, or the end of last month. I think it's about fifteen days ago.

In the opinion of the Court, it is not necessary to comply with R.F. 83 (B).

THE WITNESS WITHDRAWS.

FOURTH WITNESS
FOR PROSECUTION.

No. D-63804, Private (A/Sgt.) Moffatt, R., Les Fusiliers Mont-Royal, C.A., attached to C.I.T.C. No. A-12, C.A., Farnham, Que., being duly sworn, is examined by the Prosecutor.

- Q. 40 Sergeant Moffatt, will you tell the Court your duties at this Training Centre?
- A. 40 Yes, Sir. On the 6th July, 1942, I was acting Company Orderly Sergeant, attached to "F" Company. At 2359 hours, I called the roll of the draft, and Private Hamilton, W.H. did not answer to his name.
- Q. 41 Can you identify the accused?
- A. 41 Yes, Sir. I do recognize him.
- Q. 42 As who?
- A. 42 As Private Hamilton.
- Q. 43 You stated you were attached to "F" Company, was this man attached to "F" Company at that time?
- A. 43 He was transferred to "F" Company for a while.
- Q. 44 When men are transferred to "F" Company, what purpose is it usually for?
- A. 44 They were transferred for a draft to proceed overseas.
- Q. 45 The accused was transferred to your Company, at that time?
- A. 45 Yes, Sir.