

SECOND WITNESS:

No. B.11144, Sgt. Ryder, J.H., (RCA) attached to No. 2 District Depot, C.A., having been duly sworn, states :-

On the 15th. July, 1943, I was detailed as N.C.O. 1/c of escorts to take five men under close arrest from the Guard Room, No. 2 District Depot, Toronto, Ontario, to No. 1 Transit Camp, Windsor, N.S. A.57856, Pte. McKinnon, D.B. was one of the men under close arrest who was under my charge. Guards were posted in the vestibule at each end of the Railway car continuously throughout the night of the 15th. - 16th of July, 1943. The remainder of the escort were placed throughout the car. At 0945 hrs., 16 July, 43, at the town of Matapedia, Que. I called the roll and A.57856, Pte. McKinnon, D.B., and one other man under close arrest, failed to answer their names. I caused a thorough search of the train and area to be made, and Pte. McKinnon could not be found. I immediately reported these absences to Capt. J. Thomson who was in charge of all parties of men under close arrest on this train.

James Hb Ryder

The accused declines to cross-examine this witness.

QUESTION TO THE ACCUSED:

Do you wish to make any statement or to give evidence upon Oath? You are not obliged to say anything or to give evidence unless you wish to do so, but whatever you say, or any evidence you give will be taken down in writing, and may be given in evidence.

ANSWER BY THE ACCUSED:

Yes, sir, I wish to give evidence under Oath.

No. A-57856, Private Daniel Burns McKinnon, No. 2 District Depot, C.A., having been duly sworn, states :-

I am not trying to deny any charges that are against me as the evidence shows I am guilty, but I did not intend desertion, as I would have come back myself in time. I would like to show that I cannot help myself in this respect. I am different from other people I know, and I have always been ashamed to admit it to anyone. I don't know whether it is my nerves, as my folks always said, or whether I am just queer, but I have always had strong impulses to do things I know afterwards I should not have done, and am sorry for, but I just can't help myself. Several times under these spells or impulses I have attempted to take my own life. In civilian life I could never hold a job. I was the same in school. I would get strappings for being absent but as much as I was afraid of the punishment I would get the feeling that I must go. When I joined up in the army I joined with the intentions of being a good soldier, but I had to leave in spite of myself. I was always sorry afterwards and came back myself as the records will show. I had to serve detention and each time