

SUMMARY OF EVIDENCE

In the cases of F-87233, Pte KYNOCK, JOHN NELSON, The West Nova Scotia Regiment, and H-19189 Pte FLEMING, JAMES of the Royal Canadian Army Service Corps, presently attached on course to No 1 Canadian Base School of Cookery, soldiers of the Canadian Army Overseas.

The Commanding Officer directs that the Evidence will be taken on Oath.

1st WITNESS) D-122916 Pte AUSTIN, "J" "D", on strength of 1 Canadian
for the Prosecution) Base School of Cookery, having been duly sworn, states:

I am D-122916 Pte Austin, "J" "D", on strength 1 Canadian Base School of Cookery. On Tuesday, 25 Jul 44 at about 1945 hrs while working and on duty in the cookhouse of Stanley Barracks and facing the window looking to the rear of the building (north-easterly), I saw Pte Fleming, whom I recognized, and now recognize, standing inside of the fence which encloses Stanley Barracks. The fence is made of cement for about two feet and then wire netting, supported by iron poles, for about twelve feet, and surmounted by three strands of barbed wire. He tossed a bundle, composed of a blanket wrapped about, over the fence. Pte Kynock, whom I recognized and now recognize, was on the outside of the fence, on the rear road running south-east, and received the bundle. I went into the office of the School of Cookery and notified Sgts Abrey and Moonie. They accompanied me outside the building. Sgt Abrey and I called to Pte Kynock to return to the building. Sgt Moonie went out the front gate along the front road running south-east and brought Pte Kynock back with the bundle. I then returned to my duties.

Cross-examined by accused, Pte Fleming, J.

Question: Are you positive that the blanket was on the outside of the bundle?

Answer: To the best of my knowledge, Yes.

The accused persons decline to cross-examine this witness further.

Sgt "J" "D" Austin

2nd WITNESS)
for the Prosecution)

B-100581 Sgt ABREY, Charles, WILLIAM ROAME, presently attached to 1 Canadian Base School of Cookery, having been duly sworn, states:

I am B-100581, Sgt Abrey, C.W. presently attached to 1 Canadian Base School of Cookery. At approximately 1945 hrs on Tuesday, 25 Jul 44, I was in the office of the School of Cookery, in Stanley Barracks. Pte Austin came in and called me outside. I went outside with Pte Austin and saw Pte Kynock, whom I recognized with two bundles under his arms proceeding south-east, outside the enclosure of Stanley Barracks, across a vacant lot. I called for him to come back. Sgt Moonie had proceeded out the front gate, went south-east down the front road and met Pte Kynock returning at about the juncture of the enclosing fence with the main road. Pte Kynock returned with Sgt Moonie to the Mess Hall of the School. I opened one bundle, which was covered with a bush-shirt. Inside, I found it to contain a grey blanket, two cans of plums (Hansons Double Crown Brand), one can of apricot jam. (weight - ~~11 1/2~~ 2 1/5 lbs, St Krasno brand). The other bundle contained one undershirt, one under-shorts, one blue gym shorts and one denim trousers. These articles, marked Exhibit "A" are now produced to me and I recognize them. Pte Kynock stated that the bundle, containing the blankets, jam and plums, did not belong to him. He claimed the smaller bundle as his own. I had sent for Pte Fleming and he entered the Mess Hall. Pte Fleming admitted owning the larger bundle. I then got in touch with the I of C Provost by phone. Four provosts came and took away the two accused, Ptes Fleming and Kynock, whom I now recognize. As part of my duty, I am called upon to check the condition of the kitchen and bakery daily. I am accustomed to see plums and apricot jam of the brands previously mentioned in the kitchen stores. On the bottom of the Hanson's plum cans, I read the serial numbers "MFG-7H" and "MFG-6H" and on the top of the

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