

memory that you can go back a week before say and give me the names of any officers or group called to receive instructions for the days training. Have you that kind of a memory that you can remember those things that clearly?

My memory is fairly good. I don't say it is excellent.

THE PROSECUTOR DECLINES TO RE-EXAMINE.

THE JUDGE ADVOCATE.

Q.193. Was there any incident on the second occasion when Major MacLennan issued instructions as to the use of ball ammunition which called the presence of Sgt. McNeil to mind?

Well the reason I remembered it so well sir is the fact that this was the first time in our company that we had tried to simulate battle inoculation and that is the reason why this was still in my mind. I cannot definitely state any one given incident why it should stand out.

Q.194. No, what I want to know is why the presence of Sgt. McNeil would stand out on this particular occasion.

That sir was for the reason that Sgt. McNeil had just recently returned from a battle drill school and he was more or less in charge of the battle drill training at that time for our company.

Q.195. And was this occasion a recce of the battle drill area?

We were looking into the area to see if it would suit the lesson.

Q.196. For that reason you are quite sure that Sgt. McNeil was present?

Yes sir. I am quite sure in my mind Sgt. McNeil was present.

THE DEFENDING OFFICER (THROUGH THE COURT)

Q.197. You remember so clearly if Sgt. McNeil was there, can you tell me just where he was standing in receiving those instructions in relation to Major MacLennan. How far away was he?

A matter of a few paces.

Q.198. You do not think there was any possibility of him not hearing those instructions.

I don't think so sir.

IN THE OPINION OF THE COURT AND THE JUDGE ADVOCATE IT IS NOT NECESSARY TO COMPLY WITH R.P. 83(b).

THE WITNESS WITHDRAWS.

Ninth Witness for) Lieut. B. E. M. Eisler, R.C.A.P.C., attached 2nd Bn. the Prosecution ) The Canadian Scottish Regiment, C.A., being duly sworn, is examined by the Prosecutor.

Q.199. Mr. Eisler, what is your present appointment?

Paymaster of the 2nd Bn. Canadian Scottish Regiment.

Q.200. Evidence has been given to this Court that one Pte. Rushworth, A.605320, was confined to hospital for a period of 71 days, on the 4th June 43 to the 13th August 43. Will you inform the Court as to the cost to the Crown of pay and allowances in respect to Pte. Rushworth for this period.