

The accused, B-83098., Sapper Fell, J. F., No. 1 Canadian Tunnelling Coy., R.C.E., C.A.S.F. being duly sworn is examined by the Defending Officer.

Q. 1. "Will you tell the Court what you were doing on the 6th. December, 1940? Just tell it in your own words."

A. 1. "That afternoon I was on parade and then went up to my room to get cleaned up to go on guard at 4.45 p.m. I had shaved and was all prepared to go on guard and was cleaning my tools and as I always use kerosene to clean them, I went and took some out of the M.T. Section. I went up and the Store house was locked and no one knew anything about it, so I went in to get some kerosene which I got and then I went back. I had no intentions of stealing petrol and I did not have any petrol in my hands."

Q. 2. "You went up and couldn't get in the door and the window was broken out?"

A. 2. "Yes."

Q. 3. "You were looking for the kerosene when Sapper Mulholland arrived at the window?"

A. 3. "I was moving the tins out of the way."

Q. 4. "The evidence stated that this window was intact. At any time previous had you noticed that the window was cracked?"

A. 4. "Yes, about 2 months ago."

Q. 5. "At any previous time had you been sent up for kerosene?"

A. 5. "Yes."

Q. 6. "At this time you wanted kerosene to clean your barbers tools and clippers with?"

A. 6. "Yes, Sir."

The Prosecuting Officer then cross-examines the Witness.

Q. 1. "Have you ever been told that it was your right to enter the petrol stores?"

A. 1. "No, but I have been sent up there on previous occasions."

Q. 2. "You were aware that there was a person in charge of the petrol stores?"

A. 2. "No."

Q. 3. "You were accustomed to going into the stores?"

A. 3. "Yes."

Q. 4. "You were accustomed to going in through the window?"

A. 4. "No."