

Union
Major,
President, D.C.M.

STATEMENT BY THE DEFENDING OFFICER ON BEHALF OF THE ACCUSED

The accused has asked me to speak for him because he feels that he doesn't speak English too well, and he feels probably I could make you people understand better what he has to say than if he were speaking himself.

In order to understand his situation and what went on around the 17th of January I would like you to bear with me if I give you a little of his background. Chernesky is Polish. He was born in Poland of landed people--peasantry--and he was brought over here when he was nine years old. The land over in Poland had been passed on from one generation to another generation far back. To give you a sort of idea of what the family were like, Chernesky still has an acre and a half of land over there. That land has been in his family so long they are not allowed to sell it. At least one and a half acres has to be passed on; so, this boy still has the land.

They came over here when this boy was nine years old and settled near Merridale, Manitoba. I don't know whether you know that country. I have been told about it and I understand it is rolling, rough country, stony, rocky and perhaps a little like parts of Quebec, Vermont, New Hampshire. It is hard country. If you want to work hard you can make a decent living out of it, but you have to work hard.

Meantime they settled there. They worked hard. His mother and father and himself tilled the soil and developed, bought a 115-acre farm. On that they have about 14 head of cattle, about 6 horses, 10 hogs and approximately 100 chickens. It is quite a nice little farm. But in the meantime his mother and father have grown older and they aren't in good health. His father is suffering from lung trouble. His mother at times is in good shape and at other times she is not able to get out of bed.

He was home on New Year's leave around the 1st of January and came back on time on January 4th. While he was home he found his father in quite bad health. He couldn't do the work around the house. They have eight cows to milk, the barns to keep clean, and they have to bring in wood to keep the fire going and they have to bring in hay to feed the cattle and horses.

All those things were getting very, very difficult for his father; and he got a medical certificate from the doctor who attended his father and he brought that back with him and went to Major Divine, who was at that time head of or in charge of G.M.T. Wing and who was his Commander, and asked him for compassionate farm leave, and gave him the medical certificate.