

THE WITNESS WITHDRAWS.

Eighth Witness for) No.K.62005 C.S.M. (W.O.II) W. W. Giles, 2nd bn.
the Prosecution) The Canadian Scottish Regiment, C.A., being duly
sworn, is examined by the Prosecutor.

Q.171. Sgt. Major Giles what is your present appointment with the Canadian Scottish Regiment.

Present appointment is acting R.S.M. of the 2nd bn. The Canadian Scottish Regiment.

Q.172. In the months of May and June.

Company Sergeant Major of C Company, second C.S.R.

Q.173. Evidence has been given that early in June an incident occurred effecting Pte. Rushworth. Will you tell the Court what if anything you recall of that incident.

On or about the 4th June, approximately 1245 hours A/Sgt. McNeil reported to me that one Pte. Rushworth had been injured during the course of training. I questioned him concerning the injury and he stated that it happened in the battle inoculation practices. When he reported to me I investigated the case and found that Pte. Rushworth had been taken to hospital. It necessitated me replacing this man on a duty which I carried out, naturally. At the time I was not on the area in which the training was being carried out. I was on duty in the camp and further to that I have nothing to say sir.

Q.174. Sgt. Major was there any policy laid down within your company as to the use of ammunition of any kind during battle training?

Yes sir. The policy laid down by the company commander was that no live ammunition would be used in that area. The company commander had given permission for the use of blanks and thunder flashes for the simulation of battle practice.

Q.175. Were orders to that effect given on any specific occasion.

Yes sir.

Q.176. Do you recall the date or the approximate date.

To the best of my recollection the date was the first of June. I believe that was the date sir.

Q.177. To whom were these orders given?

The orders were given to the company on parade that morning and again at a later day of which I am not quite sure, I believe it was the following day in the fore-noon. The company commander was on the actual area and on looking it over he said that live ammunition would not under any circumstances be used.

Q.178. Now on the first occasion you mentioned, to the best of your recollection was Sgt. McNeil present.

I believe he was sir, although the reason I am not quite sure is that around that time Sgt. McNeil was excused duty but I believe he was in the background but not actually on parade.

Q.179. You cannot state positively then that he was able to hear those orders.

No sir.