

THIRD WITNESS
Prosecution.

Capt. C.H. Ployart, R.C.A.M.C. having been duly sworn, states:

On July the 23rd 1942, I examined one # D-63456 Private Vachon, F., who was paraded before me by Major Langlois, Officer Commanding, the Chaudiere Company, 3 C.D.I.R.U., on a complaint the man refused to work due to rheumatismal pain in his leg. Along with Captain J.B. MacDonald, R.C.A.M.C., I examined this man and was unable to find any sign or evidence of organic disease to account for his complaint. In consultation with Captain MacDonald we considered that the man was malingering and arranged for him to be seen by the orthopedist counsel at #8 Gnl. Hospital. The report from Major H.J. Spooner gave the following opinion: "I can find no pathological basis for this man's complaint" and I further submit the report.

C.H. Ployart

Captain
(C.H. PLOYART) R.C.A.M.C.

The accused declines to cross-examine the witness.

FOURTH WITNESS
Prosecution

Capt. J.B. MacDonald, R.C.A.M.C., having been duly sworn, states:

On the 23rd of July 1942, along with Capt. Ployart I examined the accused with reference to a particular complaint made by him. A thorough medical examination was made. After consultation with Capt. Ployart, we came to the conclusion that he had no disability.

J.B. MacDonald

Captain
(J.B. MacDONALD) R.C.A.M.C.

The witness is cross-examined by the accused.

- Q.1. Can you swear that I have no ailments.
Q.2. I am willing to say that I do not believe this man has the disability which he claims.

FIRST WITNESS

The accused, Regimental No. D-63456 Private Francis Vachon, Regt. de la Chaudiere, having been duly warned under Rule of Procedure 4(e) elects to give evidence under oath and after having been duly sworn states:

For the last four years, I have had pains in my leg. I don't always feel the same; some days, my leg troubles me more than on other days. Last winter for about three months, I did not do any drill as I was unable to follow the others on parade. Since the 13 January 1942, I did no P.T. whatsoever. I have been examined several times and each time I was told I had nothing. If I was well, I would do my possible and go on parade like the others.

F. Vachon

D-63456 Pte F. Vachon.