

but still could not find Pte. Burton.

Cross-examined by the accused.

Q. "Why in particular were you so emphatic about searching the Salvage Unit?"

A. "Because Sgt. Pierce said you might happen to be at the Salvage tents."

J. A. L. L. L.

FIFTE WITNESS

C-36633, Sgt. McMillan, C.E. of the 4 Cdn Armd Div Ord Fd Pk, RCOC having sworn states:-

On the night 22/23 Oct 44 I was Orderly Sergeant and was in my tent at approximately 1930 hrs when S/Sgt Le Feuvre the Orderly Officer of the day came to me and asked me if I had seen Pte. Burton because he wanted him for a duty. I replied that I had not seen him and S/Sgt LeFeuvre left the tent and continued on his search. Later I met S/Sgt LeFeuvre again and he told me that Pte. Burton was out and that on coming in he was to be placed under open arrest. I instructed the picquet to bring Pte. Burton to me immediately he was found within the camp. At 0100 hrs 23 Oct 44 I made a tour of the camp and looked in Pte. Burton's quarters at that time he was in bed asleep. At 0730 hrs on the 23 Oct 44 I met Pte. Burton on the breakfast parade and placed him under open arrest. I was with S/Sgt LeFeuvre part of the time on his search and heard him call for Pte. Burton on several occasions. On no occasion was there an answer. I was on the night tea parade from 2000 hrs to 2030 hrs and Pte. Burton did not appear on that parade.

Col. C. Mac Millan

The accused was warned as follows:-

"Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing, and may be given in evidence."

The ACCUSED: "I desire to give evidence under oath."

THE ACCUSED:

B-157259 Pte. Burton, J.E. of the 4 Cdn Armd Div Ord Fd Pk, RCOC having sworn states:-

I, B-157259 Pte. Burton, J.E. was definitely in camp on the night in question. The greater part of the evening I spent in the quarters directly behind where I sleep. In a room which we have temporarily fixed up as a wash room, cleaning and changing my equipment. During the evening I had conversations in different sections of the camp with Pte. ...