

THIRD WITNESS
for the pro-
secution.

A.305 Sgt. Element, J.H., on strength of No.2 C.A.C.R.U. attached for all purposes to No.1 Sub-Depot (M.T.Stores Coy) 1 C.B.O.D., a soldier of the Canadian Army Overseas having been duly sworn, states as follows:-

On the 1st Jan 44, I was Sgt. 1/c of the guard. At approx. 1850 hrs. the duty driver, I think his name was Pte. Wood, reported to me in the Guard Room that the duty truck was missing. He asked me if an authorization slip had been handed out. I said, "No, it hadn't", but I would go over and check with the sentries at the main gate. I found on checking the transport sheet that the duty truck had gone out at 1840 hrs. and the driver had given the name of Jones and also said it was a B.O.W. vehicle. I reported to the Duty Officer, Lieut. Lawrence, immediately. It was about 2300 hrs. when I left the Guard Room to go to my quarters, I think it is No.2 House, in front of the Sergeants' Mess. On arriving ther, I saw the truck parked on the lawn. When I woke up the next morning it was still there. Approx. between 1250 and 1300 hours, 2 Jan 44, I saw Sgt. Gooding and Sgt.-Maj. Simon, whom I now recognize, were standing near the truck talking. Sgt. Gooding got in the truck and drove it away.

(Handed the vehicle checking sheets) These are the same two sheets. The first dated 1 Jan 44 is the one I checked. The other dated 2 Jan 44 I checked the following morning when it came in. I traced over the pencil with ink on account of the pencil being unrecognizable due to the weather and the men handling them.

The accused declines to cross-examine this witness.

A.305 Sgt. J.H. Element
A.305 Sgt. Element, J.H.,
No.2 C.A.C.R.U. Att f.s.p.,
No.1 Sub-Depot, 1 CBOD, ROCC.

FOURTH WITNESS
for the pro-
secution.

B.60522 S.S.M. McNeill, W., on strength of No.2 C.A.C.R.U. attached for all purposes to No.1 Sub-Depot (M.T.Stores Coy) 1 C.B.O.D., a soldier of the Canadian Army Overseas, having been duly sworn, states as follows:-

On New Year's Day I was W.O. of the Guard. I went for dinner at 1200 hrs. At about 1240 hrs. I came out of the Mess and saw a vehicle parked just outside. I went into Sgt. Element's room to see him, and he told me that it was the duty truck standing outside. Sgt. Gooding then came and tried to start the truck. I asked him what he was doing with the truck. He said he was the Orderly Sgt. and taking the truck back to the Depot. I then went down and warned the sentries to be on the alert for the truck coming down. It then came in and was checked in.

The accused declines to cross-examine this witness.

B.60522 S.S.M. McNeill
B.60522 S.S.M. McNeill, W.,
No.2 C.A.C.R.U. Attached f.s.p.,
No.1 Sub-Depot, 1 CBOD, ROCC.

FIFTH WITNESS
for the pro-
secution.

A.20456 A/Sgt. Gooding, K.W., on strength of No.4 Sub-Depot, 1 C.B.O.D., attached for all purposes to No.1 Sub-Depot (M.T.Stores Coy) 1 C.B.O.D., a soldier of the Canadian Army Overseas, having been duly sworn, states as follows:-

I was Orderly Sgt. on Sunday, 2 Jan 44. I went to lunch about 1145 hrs. After lunch I was asked by the Transport Sgt., Sgt. Somerville, to return what he said to be the Duty Truck to the Depot. I procured the keys from Sgt.-Maj. Simon, whom I now recognize, went down to start the vehicle, which was immobilised. After starting the vehicle, I returned it to the Depot, reporting to the