

Cross-examined by the Prosecutor:

Q Sergeant, before this incident in the Canteen, do you know if any official notice of the parade had been published?

A Yes, Sir.

Q Had you seen it?

A Yes, Sir.

Q I show you Exhibit "F". Is the parade mentioned in paragraph 3 the parade you refer to?

A That is the one, Sir.

Q I notice the time of the parade is mentioned as at 1310 hours. You say today that you ordered the accused to report at 1315?

A Yes, Sir. They were to form up at 3.10 and be on parade at 3.15.

Q This parade was not for 3.10 or 3.15; it is 1310 hours. Well, now what time was the accused to be on parade?

A I said it was 1315, Sir.

Q Do you know if he did appear on that parade?

A Yes, Sir.

Q Did you see him there?

A Yes, Sir. I called the roll, Sir.

Q Did he answer his name?

A Yes, Sir.

The Defending Officer declines to re-examine this Witness.

The Witness withdraws.

Fourth Witness) No. H.82179 Private T. E. HAYHURST, Royal Canadian  
for the ) Army Medical Corps, C.A., Brandon Military Hospital,  
Defence: ) having been first duly sworn, is examined by the  
Defending Officer:

Q Will you give the Court your number, your name, rank and Unit?

A H-82179 Private Hayhurst, T.E., Brandon Military Hospital, R.C.A.M.C.

Q What were your duties, Private Hayhurst, on the 14th, 15th, 16th and 17th of May, 1945?

A I was working in the Mens' Canteen, Sir.

Q As what?

A As Steward, or their Barman.

Q You were warned for a parade on the 16th day of May, 1945?

A That is right, Sir.

Q By whom?

A By Sergeant Flynn, Sir.

Q Will you tell the Court the phrases used, or the way in which this M.C.O., Sergeant Flynn, gave you the order?