

our conversation was, but he told me I was to be inoculated and I said I did not need it, he then said something about being ordered to take it and quoted some army act, I did not tell him that I had already had one as they already knew that. Then he put me on a charge, under open arrest until the 6 Oct when he brought me back in and I do not remember exactly what happened except that he asked me if I would take the needle and I said "no". He then said that I could be charged for refusing to comply with an order and said something about a Routine Order which compelled every man to take inoculations and that I might be court-martialled for not doing so when he ordered me to. I did not say anything to this, and finally went back to my hut, from there I was taken to the guard room.

- Q Is this your Pt I of your pay book?
A Yes Sir. On page 16 are the record of my inoculations. You will find under date of 5th Oct 44 the following words "Typhus 1 cc-4, signed W.H. Rose, Capt"

Prosecutor said he did not object to the admission of Pt I of paybook.

(Pt I of pay book marked "Ex "1" by the Court)

- Q Where were you stuck with the needle on the 5 Oct 44?
A It was on the upper part of my left arm.

CROSS EXAMINATION BY THE PROSECUTOR

- Q You said "they already knew I had been inoculated" who do you mean by "they"?
A The man who passed me through after having inoculated me.
Q Can you recognize that man?
A No Sir, as I said I did not look at him when he inoculated me.
Q Why did you not tell Cap Rose that you had been inoculated just a few minutes before?
A Because he wanted me to take a second one.
In the opinion of the Court it is unnecessary to comply with RP 83(B)
CASE FOR THE DEF IS CLOSED.

PROSECUTOR ASKED LEAVE TO HAVE CAPT ROSE RECALLED ON ACCOUNT OF THE EVIDENCE WHICH HAS BEEN GIVEN BY THE ACCUSED FOR PURPOSES OF REBUTAL.

APPLICATION GRANTED

Capt Rose, already sworn is examined by the Prosecutor:

- Q I show you a pay book, Ex "1", the accused has stated that he had been inoculated for typhus in the adjoining office only a minute or two before he came into your office when you asked him to be inoculated, and he says that the entry on page 16 of his pay book proves this?
A I would not attempt to swear to that because as I stressed they come through past this clerk who checks their documents and makes the entry and sends them in for signature. The men line up and follow each other into the second room and then into the third room. I was in the second room and there was no one using the needle in the second room that day. I cannot tell whether the other MO, Capt Heagy was working in the other room or not, there are hundreds going through and if I recall this is the man who was brought up for refusing an inoculation when brought into the second room.
- MM