

With respect to the charge of creating a disturbance in the Provost O/R I simply want to point out two things. L. Contradictory evidence adn 2. The accused was drunk. L/Cpl McDonald stated that Tousignant made a list of the articles brought in. Tousignant said he didn't remember whether he did or not. McDonald stated that a fight started between a soldier other than Jones and a L/Cpl Estabrook. That the fight took place 2 paces away from the front of Tousignant's desk.

In contradiction to this Tousignant stated that the fight took place 10 feet away. He confirmed an estimation of 10 feet to the court, while McDonald objected to the use of the expression "three or four paces" insisting it was two. McDonald said he went to interfere in the fight 10 feet away, if that were so he would step away quickly in giving help and while he might catch a movement nearly right behind him, it is beyond reasonable doubt that he'd be aware of the full intent if there were any. McDonald said he ducked and grabbed Jones, not himself. Tousignant said it was McDonald. Tousignant also stated in contradiction to McDonald that there was only 1 bottle of liquor.

McDonald had a ready and prompt answer for everything that went on, or that he might have seen, yet obviously he must have been busy keeping an eye on 3 drunken soldiers, who felt they were being abused. In this charge I also expect a Not Guilty verdict in view of this contradictory evidence and because the accused was drunk. *AK*

#### SUMMARY FOR PROSECUTION

Sir & Members of the Court.

The accused is charged with four offences.

Charge 1. After escaping from close arrest absented himself without leave until apprehended. The accused pleaded guilty to this charge.

Charge 2. Conduct to prejudice of good order and military discipline by throwing an ink bottle at Pte MacDonald. Pte MacDonald states very emphatically and with great detail of the occurrence in the provost office. He states that he saw the accused raise a bottle of ink and throw it at him. He ducked in time to avoid it but ink splashed on his uniform. This evidence is corroborated by Cpl Tousignant who states that he also saw Pte Jones pick up a bottle of ink and throw it at Pte MacDonald. Both Pte MacDonald and Cpl Tousignant state they saw the accused throw the bottle of ink. There is no contradiction.

I submit as there is no denial, nor any rebuttal of this evidence that the accused is guilty of this charge.

Charge 3. Commit a civil offence that is to say Larceny.. did steal 10 dresses, 2 ladies suits, 2 light cloth coats, and some 18 bottles of liquor.

#### Alternative

Charge 3 Improperly in possession of 8 Ladies dresses, 2 light cloth coats, 2 bottles of Cognac, 2 bottles of Picon Liqueur.

The best evidence on the theft charge is that of the accused himself. The accused admits picking up a bundle of clothing containing clothing and four bottles of liquor. He admitted having all these articles in his possession until he dropped the clothing on the ground a few seconds before the provost arrived, with the exception of one dress which the accused states he gave away. Pte MacDonald listed the articles that he took from the accused as being 7 dresses 2 light cloth coats, 2 bottles of cognac 2 bottles of Picon.