

I can understand that Capt Dickie, under great stress at the time because of the shelling and because of difficulty in keeping people together, and it is quite possible he did not recall that it was the accused who issued the orders to Cpl Phillips; so a witness for the prosecution admits he received his last orders from Lieut Cradock and as a result of these orders he stayed in that one position for the night, as a matter of fact the next morning when Sgt Devlin came up to take over the platoon had still remained in the same position. Now, therefore in conclusion I just ask the court to consider that, the matter of the accused being entitled to the benefit of any reasonable doubt and the fact that after the balance of the platoon had been positioned by the accused there was no further advance made and his platoon maintained that position throughout the night, receiving no instructions to go ahead, as a matter of fact there is in the evidence a statement by Capt Dickie to the effect he ordered the platoons to firm up for the night and Lieut Cradock carried out those orders and he knew therefore there would be no further advance that night and no further action as far as the company was concerned. I would also ask you to remember it was a night attack, all this confusion going on and above all that Lieut Cradock had been shell shocked and for that reason he might possibly have done certain things that a man with a clear head would not have done. I suggest that any ^{omission} ~~question~~ of which he is guilty is not of such a serious nature that it should be considered - go to the root of the matter, he did make some motions, possibly they were errors of judgement, which were made due to the noise of this shell, I suggest that the errors were not of such a serious nature - in his condition - that he should be convicted of deserting the service. He was arraigned on having willingly left his post without the authority from