

it was requisitioned and I don't think it is necessary for us to establish that the accused had anything to do with the requisitioning of it. It might have been requisitioned two years or ten years before, -- before the accused was even in the country, and because he wasn't present or did not sign his name to the requisition papers, surely that would not exclude its production at this time. Now, I say that the finding of these documents in the possession of the Town Major is evidence of what acts officially were done to convert this property from a civilian occupied property to a military occupied one.

JUDGE ADVOCATE:

Is that not going to be proved by some other means?

PROSECUTOR:

The Town Major will be brought and will verify all these facts. The documents are being put in in this particular form so that we have them conveniently before us.

JUDGE ADVOCATE:

Mr. Gage, the witness can say, "I seized these documents". Then they may be marked for identification and they would not be evidence against the accused. They would be identified and possibly later they would be connected with the accused.

MR. GAGE:

I wish to say with great respect, I don't mind a witness producing a bundle of documents and saying "I seized them" but to identify them with the accused, that is another thing. The witness who identifies them must be called and they cannot be put in until then, and I do object to them being put in at this stage. They can only be put in at the time when they are properly produced.

JUDGE ADVOCATE:

Mr. Gage, I agree with that and I will so advise the Court but what I am trying to say is, supposing this witness seized several blankets and says, "for what they are worth they are here". They would not mean anything, and, in the case of the documents they should not be read by the Court.

MR. GAGE:

Certainly the documents that I have indicated -- that letter in particular -- I should object to them as not being evidence in any case.