

Q.263. How far would it be from being level with his line of advance?

I don't know sir, I couldn't say.

Q.264. How far away was the point of impact in the ground from Rushworth when he was hit?

I imagine it would be something like ten feet.

Q.265. I think you stated in your evidence it was seven feet, you think now it was ten feet?

Yes sir. We did not have a measure. I believe Sgt. Tandal paced it off and he said something like that.

Q.266. You heard Major MacLennan say the ricochet would have had to take a 90 degree angle from where it hit to hit Pte. Rushworth?

I don't know sir. I don't know very much about ricochets.

Q.267. Well you know from where the bullet struck the ground and from where Rushworth was hit whether that ricochet would have to go off at a 90 degree angle to strike Pte. Rushworth. From the information given Major MacLennan it would have to be about a 90 degree angle. What have you to say about that?

I guess he is right sir.

Q.268. What is the nature of the ground around this spot?

Fairly soft, all dirt sir. A bare spot, no grass.

Q.269. Did you know whether it was gravelly or not?

It was gravelly below, which we afterwards found out.

Q.270. In the battle drill that you have taken is it customary to fire live rounds into the ground around troops?

Yes sir.

Q.271. It is customary?

Yes sir.

Q.272. What is the customary distance of safety that is required.

Well sir the manual quotes it as being 5 yards but they come a darn sight closer than that.

Q.273. Well why didn't you allow five yards?

Well I allowed what I thought myself was quite safe. I allowed where the bullet was going to land and enter the ground and I thought it was safe.

Q.274. Were there any troops out in front?

Not one, they were all up to my rear.

Q.275. Where was the enemy?

About 500 yards to my rear again.

Q.276. Where there any habitations?