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3rd witness
for the
Defence

D.11644 Sgt. Brown, D.C., 2 Cdn. Fd Regt having been duly sworn,
is examined by the Defence.

- Q. You are in the survey section?
- A. Yes.
- Q. What position do you hold?
- A. 2 i/c.
- Q. How long has Mr. Knox been in command?
- A. Since early in 1941.
- Q. What have you to say about his ability?
- A. From our point of view he was always exceptionally good on schemes.
- Q. When was the section formed?
- A. November 39.
- Q. Did Mr. Knox have anything to do with the section organization?
- A. It wasn't really organized until he came. It was something new that hadn't been developed.
- Q. How many men have you in the section?
- A. L/Bdr and 7 Gnrs.
- Q. You have various grades of surveyors?
- A. Class "A" and "B".
- Q. How many "A" men have you?
- A. Six.
- Q. When Mr. Knox came were there any "A" men?
- A. No.
- Q. Did he have much to do with the training of those "A" men?
- A. He did all the training.
- Q. Did he train any men from other units?
- A. Yes, the 3 Cdn Fd Regt sent some down.

W. B. S.

Prosecution declines to cross examine the witness.

Closing Address by the Defence

The accused has pleaded guilty to the fourth and fifth charges and the third charge has been dismissed which leaves only the first and second charges which are in the alternative. The first submission I desire to make to the Court is that both of these charges should be dismissed on the ground that essential elements of particulars of both charges have not been proved. Those essential elements in the particulars I submit are first, had his battle dress undone, second, and in disorder, and the third, words at the end of the charge which were alleged the accused stated to C.S.M. Crombie. I submit they have not the meaning that is in the charge, that is the words used by the accused before the M.P. did not have the meaning to them they have in this charge. I would first of all like to deal with that submission. I would submit to the Court that these are serious charges, particularly the first one. The accused is charged under Section 16. I submit that the only offence is being without a hat. He has stated in evidence it was lost. With regard to the open battle dress the officer who first found the accused, that is P.C. Scotney stated in his evidence that the battle dress was not undone at all. The accused says he may have looked for his wallet and in doing so he might have undone another button or two. I do submit that the essential point is that when he was first taken into custody that the battle dress was very definitely in order.