

FIFTH WITNESS FOR THE PROSECUTION (Continued)

- Q. He told you?
- A. Yes at 6 o'clock that night we reported to L/Bdr. Chapman and he gave us our shifts.
- Q. Then you reported to the L/Bdr. and he told you?
- A. We were all together, except Foster, and he told us.
- Q. Did you try to waken him up at 2320 hrs to relieve you?
- A. No sir.
- Q. In the summary of evidence you said he was a little the worse for drink, in the Court Martial you say "He was not too bad".
- A. Did I say that? I may have said it but I can't remember.
- Q. What was the proper expression? What in your opinion was his condition?
- A. He was intoxicated, and I thought that he shouldn't go on guard at all.

RULES OF PROCEDURE 83(c) have been complied with.