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ceptibilities of people in higher places. What is the remedy? The remedy is the same as they take with respect to ladies visiting officers messes, put it down in black and white that you shall not associate with other ranks except subject to the following conditions if there are any such conditions. The remedy comes within the powers of those that be at C.M.H.Q. and they should take it into their hands and exercise those powers or else go a little bit further. Any President of a mess committee would know what to do. If you find an officer in your mess consorting regularly with other ranks by drinking with them nightly or regularly in the kitchen or in the room or if it becomes a habit of anyone to bring anyone into their room regularly for the purpose of drinking with them what would you do? You would take the steps most of us have already taken and discipline the officer in question which you can do as the President of the Mess.

On the third charge of having liquor in the car I know of nothing against it. I don't know what section of the Act it offends. It does not offend my susceptibilities. If there were an accident and anything happened and an open liquor bottle was found in the car and it was proved that you had been drinking, I would think it might go towards making the sentence and punishment more severe but it is not by itself an offence in this country as far as I know. I grant you it would be an offence in the Province of Alberta but Mr. Robb is not a citizen of Alberta and never was and probably is proud of that fact. Over here I don't know of any offence of carrying liquor in a car or a Canadian Government vehicle and again I say we have no proof that this vehicle was a Canadian Government vehicle.

I submit, therefore, that all three charges, or two charges as they are on the charge-sheet, should be dismissed and I so move.

THE JUDGE-ADVOCATE MAKES THE FOLLOWING SUMMING-UP:

Now, in this particular trial at this stage it is my duty as Judge-Advocate to sum up the evidence and advise the Court upon the law relating to the case before the Court proceed to deliberate upon their finding. In trials before Courts Martial, the members of the Court both find the facts and lay down the law, and thus perform the functions of both judge and jury in civil courts. In deciding questions of law a court martial should be guided by the advice of the Judge-Advocate and should not disregard it except for very weighty reasons. Therefore, in summing up the evidence if I should venture an opinion, the Court is not bound to my opinion. The Court is at absolute liberty to form its own opinion from the evidence adduced before it. The court must have an open unbiased mind. If, before trial, anything has been heard dealing with the facts of this case, such facts should be completely ignored and set aside. The only facts the court can deal with are those brought out in evidence at this trial.

In order to obtain a conviction the particular charge brought must be proved. If it is not proved an acquittal will follow. Allegations which are not essential to constitute the offence and which may be omitted without affecting the validity of the charge, do not require proof, and may be rejected as surplusage. Each charge should be divided into two parts - (1) The statement of the offence (2) The statement of the particulars of the act, neglect or omission constituting the offence. The particulars should state such circumstances respecting the alleged offence as will enable the accused to know every act, neglect or omission which it

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