

they looked around and couldn't find stretcher bearers, that is understandable in a situation like this, it is a night attack which makes it difficult to maintain control and no where everybody is and with enemy fire going - coming down on the troops; it is understandable it would be a muddled affair and because it is such a muddled affair. I think, therefore, the court must consider what is considered of a reasonable man under these circumstances. Now, it is not suggested that the accused was perfect, there is no suggestion of that at all; I do suggest if you can find what he did do what a reasonable man might have done, not what a reasonable man should have done, but if you find he did, under the circumstances, considering the shells landing and blast he suffered from, if you consider he did what a reasonable man might have done, I suggest on those grounds he is entitled to an acquittal. Now, he was on duty at the time the shell landed and before that time he had directed Cpl Phillips to take his section and firm up for the night in accordance with orders he had received from Capt Dickie. After the shell landed there was so many casualties and apparently there were only two people left around that were of any use - that is, the accused said there were two and I think Sgt Devlin said there were 3 or 4 or something like that, so I suggest in view of the fact he was injured, he was dazed, he was knocked out, it is reasonable for him under the circumstances to tell these two men to go where he knew the remainder of the platoon was, he knew they were firming up for the night and therefore it was reasonable for him to believe that after the section was there under the section commander for the night - since he was still quite shaken up he could proceed to the RAF and get some type of treatment or some type of rest - something to relieve him from pain. Now, when he went down to the RAF possibly there was an error