

1st witness

Captain William Nuttall, A.29 C.I.C.T.C., CA.,

for Defence

being duly sworn is examined by the Defending Officer.

Q.138 Was A.117617 Pte Kersey, E., a member of your Coy at A.29?

A. That is right, he was.

Q.139 Would you be good enough to tell the Court what you know of his training progress and his work?

A. Yes, I will. Col Cameron, and Members of the Court - Pte Kersey was a member of No. 1 Coy. As 2 i/c it often falls to my lot to have charge of the Coy for a short period, and during one of the periods I signed his 105, or progress report. In this progress report the Platoon Commander comments on his progress on all subjects, and his attitude towards those subjects. It gives a complete word-picture of the man to whoever receives him when he passes on to another Coy.

PROSECUTOR: Sir, may I object. This is a report not made by the witness, and I would suggest that it should not be admitted.

PRESIDENT: There is a very wide latitude given as regards character evidence in documentary form of this kind, which is prepared for military purposes, and I think that it would be rather doubtful, and I would ask the opinion of the Judge Advocate, if necessary... It would be rather doubtful whether evidence of this kind should not be permitted in. It is often very useful, and I can't really see any objection to anything that might be in favour of the accused, unless you have reason to believe that the information this witness proposes to give is not correct. In spite of the fact that technically it might not be evidence that he is entitled to give, I would hesitate very much