

- Q. When you made your report what you were putting down was what you remembered to the best of your ability?
- A. Yes.
- Q. Did you caution Lieut. Knox at the time that anything he might say would be taken down by you?
- A. No.
- Q. Is it the usual thing for you in making a charge and including a statement made by someone to show that the accused was cautioned?
- A. Yes. I didn't take a statement or caution him in this case because I received these direct instructions from the D.A.P.M.
- Q. Is it the custom in the C.M.P. to caution?
- A. Yes in the cases like larceny, but not in a case of this sort.

#### Prosecutions Ends

#### Defence

*W.S.P.*

I wish to make a motion that the third charge be dismissed. (Charge is read). I wish to make that motion for dismissal on the grounds that the crown has not established a prima facie case. The Court has heard the evidence that has been placed before it in relation to that charge and I submit on that evidence that there is no evidence at all that the accused was drunk. Three policemen were heard who saw the accused, one at the time in question and two shortly afterwards and all three say in their opinion the accused was not drunk. They are all men who are experienced with persons who have had liquor and on questioning they gave opinions as to whether a man is drunk. Each one of those men say that the accused was not drunk. Despite the fact that the witness says it took 15 minutes to waken Lieut. Knox I still submit the crown has not established a prima facie case that the accused was drunk. The same witness said in his opinion that the accused was not drunk. All the witnesses have agreed that the accused was not drunk and I submit that the charge of drunkenness should be dismissed.

#### Judge Advocate

I am directed by the Court to advise that the motion by the Defence has been upheld and the accused is found not guilty of the third charge.