

to have you consider in your conclusions. First of all I would like to say a word about the decision itself. You know that it is a great principle of English Law that every accused person is held to be innocent until he is proved otherwise. This applies to military law as well. It is required that the prosecution prove beyond all reasonable doubt the case against the accused and unless you are satisfied beyond all that reasonable doubt as to his guilt it is your duty to return a verdict of not guilty- this does not mean of necessity that the accused has established his innocence by evidence; it simply means that the prosecution has failed to produce in your minds an undoubted conviction of guilt. You may wish me to define the words, "reasonable doubt" with more exactness. They mean just this, just so much doubt as you might have in every day life about any matter relative to your work; your standard is an ordinary standard, a reasonable standard. The evidence concerns a military operation and an officer's duty in relation to that operation, such matters sometimes are open to a great deal of conjecture, yet as trained soldiers you are accustomed to reduce them into your own minds into simple terms upon reasonable propositions and ^{according} to a reasonable standard. You don't concern yourself with fantastic doubt on matters that appear to be plain and simple; your judgements of men and their reactions are measured and based on your experience; therefore you should consider whether a reasonable doubt has been raised in your minds, not any fantastic doubt; but only consider the doubt that would be apparent to the ordinary officer or soldier who has to ~~make~~ form an opinion on certain facts. Having said these words on your responsibility I now must rehearse with you some of the salient points - before I do so I would like to instruct you on the law you will apply upon the evidence which you have heard. You must