

lost his balance but he went down on the ground. I was pulled away again and we proceeded down the road towards camp. I then noticed Pte. Miller in our company and we checked into the Guard Room together. That's all sir."

Cross-Examination.

I think it is very funny if the A.T.S. girl says she was standing a foot from the person I am alleged to have assaulted and he was pushed by me. I do not know of any reason why Pte. Stephens should try to implicate me. I did not know the girl. I did not see her at all that evening."

The evidence is read over to the witness.

SECOND WITNESS FOR THE DEFENCE ON THE 3RD AND 4TH CHARGES.

E 62682 Pte. Miller V.W., having been previously sworn, states:-

"On the night of 19th August 1943 I returned from a dance in Anesbury in an American convoy of six or eight trucks. I saw the accused and Pte. Lanthier and Pte. Paisley waiting for the convoy. I believe they came back in the same convoy as I did. I got out of the truck and started up the road toward Carter Bks. About approximately across the street from the A.T.S. barracks there was a bunch of people coming out of a building there. Pte. Lanthier and a soldier were having an argument about Lanthier having been bumped. Lanthier and the soldier got to pushing one another around and I saw another soldier come from across the street and jump on Lee from behind. Both of them fell down on the street. They were each twisting the other fellow's legs. Lanthier and Paisley came up and picked Lee up and took him down the road away. The Sgt. hollered something at Lee, I don't know exactly but it was something about get you tomorrow, and Lee broke away and Lanthier and Paisley came back and took him away. They took him home that time. I was about thirty feet away but I could see someone jump on Lee. When Paisley and Lanthier took Lee away I went up with them. I didn't see the A.T.S. girl only after they had taken Lee away at first. I didn't see any stripes on the man who jumped on Lee."

Cross-Examination.

"When we went back to take Lee away we went right back to him."

The evidence is read over to the witness.

Closing address for the defence on the 3rd and 4th charges.

The Defending Officer calls attention to note 3, A.A. 8(2) and points out the necessity for the prosecution to show in this case that the accused knew the person with respect to whom the offence is alleged to have committed to be a superior officer, which has not been done in this case. The evidence of Pte. Stephens should not be relied on. It was given in parrot-like fashion and there are discrepancies between her evidence now and in the summary.

Closing address by the Prosecutor on the 3rd and 4th charges.

The Prosecuting Officer reviews the evidence and contends that as McNeil saw the stripes on Sgt. MacIntyre's sleeve they must have been seen by the accused, particularly in the second instance.

The Court is closed to consider finding.

The findings of the Court are recorded in Part I of the Schedule.

The Court is re-opened.

The President announces the finding of Not Guilty on the 3rd charge and states to the accused that the finding of the Court on the 4th charge being subject to confirmation will be promulgated later.

(P.T.O.)