

FIFTH WITNESS FOR THE PROSECUTION (Continued)

- Q. Where were you?
- A. Roving picquet.
- Q. How far were you from Foster?
- A. About 12 feet, I'm not sure.
- Q. "Not too bad" what do you mean by that?
- A. He could still walk.
- Q. Was he stumbling?
- A. Not necessarily.
- Q. Was he staggering?
- A. Just a bit.
- Q. Where was he walking?
- A. Towards the kitchen.
- Q. Was there a path way?
- A. It was a big field.
- Q. Is the footing firm?
- A. Very good.
- Q. Grass, gravel or Mud?
- A. Hard mud.
- Q. Was it even, like a floor?
- A. Very good, sir.
- Q. Did you have any conversation with the accused?
- A. No sir.
- Q. Did he stagger a great deal?
- A. I didn't take much notice.
- Q. What first directed your attention to Foster?
- A. When you are on guard you should know who is going through.
- Q. Did you stop him?
- A. No sir.
- Q. What was peculiar about this walk. Tell us a bit more about the stagger that made you think he was drunk?
- A. I didn't say he was drunk.
- Q. Was he staggering a great deal?
- A. Not too bad - just tipsy turvy.