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Closing address by the Prosecutor

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J. L. Lumsden  
Jol  
P. 102

I submit that the charge is proven by the production of the declaration of the Court of Inquiry and the production of the certificate of apprehension, together with the evidence contained in the written statement handed in by the accused to the Court. According to R.P. 74 the Court may take judicial notice of all matters of notoriety, including all matters within their general military knowledge. I would ask the Court to take judicial notice of the fact that England is a country which is the scene of actual hostilities, while Canada is not a country which is the scene of actual hostilities. Intent is an element in the charge of desertion. It is also an element in a great many offences, and intent can be proven by the action of a man as well as by his words, and I submit that a man who goes on board a ship in England and hides in the chain locker shows that he intended to leave His Majesty's Service, taking into consideration that England is a place which is the scene of actual hostilities. It shows that the man intended to escape an important military duty.

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