

TRIAL OF:- A.29520, Gnr. Elton William FAIRBAIRN,  
1 Cdn. A/TK. Regiment, R.C.A.

PROSECUTOR:- Major G.T. White, R.C.A.,  
1 Cdn. A/TK. Regiment, R.C.A.

DEFENDING OFFICER:- Lieut. L.A. Smith, R.C.A.,  
1 Cdn. A/TK. Regiment, R.C.A.

PROSECUTION: 1st. Witness: Lieut. J.R. Toogood, R.C.A., 1 Cdn. A/TK.  
Regiment, R.C.A. sworn, states:-

~~Cross~~ Examined by Prosecutor:

- Q.1 What is your job in the 57th Battery, 1 Cdn. A/TK. Regiment?  
A.1 I am Troop Commander of "G" Troop.
- Q.2 Do you recognize the accused?  
A.2 Yes, he is Gnr. Fairbairn.
- Q.3 Where was "G" Troop on the day of the accident?  
A.3 About three quarters of a mile East of VILLA GRANDE.
- Q.4 Do you recognize the W.D. Number of the 1st vehicle stated in  
the charge?  
A.4 Yes, that is my vehicle.
- Q.5 Who was the driver?  
A.5 Gnr. Fairbairn.
- Q.6 Had you given any orders concerning the accused and this vehicle  
on that day?  
A.6 No.
- Q.7 Then it was used without your authority?  
A.7 Yes.

Cross Examined by Defending Officer:-

- Q.1 Was Gnr. Fairbairn a good driver?  
A.1 Yes.
- Q.2 Had you noticed ~~that~~ whether Gnr. Fairbairn had been drinking  
when you were speaking to him that afternoon, if so was he under  
the influence of liquor?  
A.2 I saw him at 1500 hours and he had been drinking but he was not  
intoxicated.
- Q.3 Had you laid it down that Gnr. Fairbairn was not to take the  
vehicle without your permission?  
A.3 No, it is an understanding.

Re-examined by Prosecutor:-

- Q.1 In the position at VILLA GRANDE did you have any small runs  
within the Troop and Battery that vehicles could take without  
permission?  
A.1 No.
- Q.2 Was your Troop deployed in such a way that all guns could be  
reached by walking?  
A.2 Yes.

Re-examined by Defending Officer:

- Q.1 Was the vehicle subject to call by Battery H.Q. who were in the  
same area at that time?  
A.1 It could have been used by Battery H.Q.