

MR. GAGE:

Well, precisely the same objection can be levelled at that question as was levelled at the question I asked and which I dropped because I thought it was a proper objection. In other words, if this officer cannot take on the functions of the Court in answering the question which I put to him he cannot take on the functions of the Court in answering the question my friend puts to him. It doesn't become any more magical because it comes from the mouth of the Prosecutor. That is why I dropped it and I am rather surprised at my friend putting it.

PROSECUTOR:

The difference is this, my friend didn't state any facts on which to ask an opinion. He asked him if he was familiar with the facts connected with the case and asked him what his opinion is. I am not doing that. I am putting a hypothetical case. The court may not agree with the facts as I state them, but if they do, they will then have the advantage of the opinion of this senior officer who was here at that time and whose opinion is of considerable weight for that reason, and, he has been produced by the defence, I assume, for that reason. Surely there cannot be any objection to that. He is not brought here for his knowledge of particular facts but as to general knowledge and what he has to say as to the character of the accused. I might say this, that I allowed my friend to ask him what he thought as to the propriety of the premises being requisitioned for recreational purposes and this is merely an extension of the same principle to which question he has been allowed to answer.

PRESIDENT:

Let us proceed.

PROSECUTOR:

Would the reporter repeat the last question?

(The reporter complies)

ANSWER BY THE WITNESS:

A.1238 It is a difficult question to answer because it is so hypothetical. It is a question which one can only judge by the method which one used. I am a great decentralizer, which most people think is a very lazy thing to be, and I judge by the work that my officers do. I don't inquire what way they do it because some like working at night and some in the morning and as long as they do their job I don't care how they do it.