

of any sort and still take advantage of that statute which gives the Prosecution the right to produce Part II Order. In that regard we have a case I know of which has been decided on that question by our Cdn Court Martial in this country and I know that the Court will be able to find record of that case although I have not got it with me. I submit again that the Prosecution have not proven their case, first on the ground that the Part II Order did not contain the proper entries and in accordance with C.R.O.5352. If you are going to make use of a Part II Order you must comply strictly with the law and see that it is correct."

COURT IS CLOSED TO CONSIDER THE FINDING.

COURT RE-OPENED. *MM*