

Proceedings on Plea of Not Guilty

Question to
the witness

Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer

No, sir.

(If the accused applies for an adjournment see instructions at page 741 M.M.L.)

The Prosecutor proceeds to call witnesses.

First Witness
for Prosecution.

Captain E.H. SMITH, 1st Bn. Edmonton Fusiliers, C.M.C.,

being duly sworn, is examined by the Prosecutor.

Question

Q. Captain Smith, what is your Unit in the Canadian Army?

A. 1st Battalion Edmonton Fusiliers.

Q. How are you employed there?

A. I am employed in the position of Adjutant, and as such I have charge of the regimental documents and regimental books, of that Unit.

Q. Do you know the accused?

A. Yes, I do.

Q. What is his name?

A. His name is Private Gimple, Private Max Gimple.

Q. What is his Unit?

A. 1st Battalion Edmonton Fusiliers.

Q. As adjutant, and having custody of the regimental books, have you any documents to produce to this Court?

A. Yes, I have. I have M.F.S. 375, the record of the declaration of a Court of Inquiry to deal with the said absence of the accused before this court, one Private Max Gimple. It is certified by me to be a certified true copy of the 68 Book of this Unit. It was signed - the 68 Book was signed by the Commanding Officer

E.S. Evans, Major, of the Edmonton Fusiliers.

Q. Will you offer that document to the Court as an Exhibit?

Q. PRESIDENT: Who signs this document?

A. WITNESS: It was certified by me, my signature is on the document but it was signed by ...

PRESIDENT: That's all I want to know. Does it refer to the accused?