

(5) 44

C

*Instruction.
(See R. P. 39 (A))
Question.

Proceedings on Plea of Not Guilty

Q. 4 *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.

A. 4. Yes, Sir. (See attached exhibit marked "G")

LEB The prosecutor makes an opening address in a written address,
BJS which is read, marked ~~xxxxxxx~~, signed by the President, and attached to
BJS the proceedings ~~xxx~~ *EF*

The prosecutor proceeds to call witnesses.

First witness
for
prosecution.

Lieut. F.L. Jones, The Irish Regiment of Canada. (CA)

being duly sworn, is examined by the prosecutor.

Q. 5 Will you tell the Court, please, your name, rank and regiment?
A. 5 I am Lieutenant F.L. Jones of the Irish Regiment of Canada (CA)

Q. 6 Will you tell the Court in your own words just what you saw
at 1700 hours on March 5th, 1942?
A. 6 At approximately 1700 hours on the 5th of March, 1942 I was in my room in the Officers Quarters in the new Wellington Barracks, Halifax, Nova Scotia. With me in the room at that time were Lieut. W.S. Elder; Major Cockeram; and Major J.H. Garlick, all of the Irish Regiment of Canada, (CA). From a window of the room one has a clear view of No. 1 A.A. Post. Happening to glance out of the window I perceived a soldier wearing a green balmoral standing at No. 1 A.A. Post, with him was a civilian with whom he was conversing. I thought at the time that this was unusual, a civilian being so close to the emplacement. Suddenly the soldier scrambled over the parapet of No. 1 A.A. Post and ran down the slope towards the fence, thirty to forty yards distant. Now another soldier, wearing a Melton cloth cap joined the first one. Leaving the Quarters, by the rear door, I ran towards No. 1 A.A. Post. When I was part way there, the two soldiers, perceiving my approach towards the posts, started to run towards the posts. The soldier wearing the green balmoral ran towards No. 1 A.A. Post and the other soldier towards No. 2 A.A. Post. I reached No. 1 Post simultaneously with the soldier wearing the green balmoral. I perceived that there was a loaded magazine on the gun at the time. I asked the man why he had left the post; not receiving an intelligent reply I placed the soldier under open arrest and returned to my quarters. I then sent for B78657 Act/Sgt. Wensley who is Platoon Commander of No. 2 Platoon, H.Q. Company, Irish Regiment of Canada (CA). I ordered him to relieve the soldier at No. 1. A.A. Post and place him under close arrest. That is all.

Q. 7 How far, in your estimation, was the accused from his post when you left your quarters to go to the A.A. Post?
A. 7 Approximately fifty yards. (2)