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CLOSING ADDRESS OF THE PROSECUTOR

Sir, by documentary evidence the Prosecution has shown that the accused absented himself from the 30th of July, 1943. By further documentary evidence the Prosecution has shown that the accused was apprehended on the 19th of February, 1946, making a total of nine hundred and thirty-three days absence. In the accused's evidence there is nothing to show that he had just cause to remain away from the Army. He stated that in the summer of 1943 he took unto himself a Common-law wife. He was called up in December of 1943. True, he made application through certain individuals for Dependents Allowance. The Allowance however was refused. The fact remains, however, that a person who takes unto himself a Common-law wife has to take into consideration any consequences which might arise from such a marriage. He couldn't throw the burden onto the government by claiming that he had to support his wife if the government, through its rules and regulations, refuses to support or give support for such dependent.

The accused further stated that he is of the belief that he was discharged on account of illegal absence. Well, somebody in a certain department made a grave error and any reasonable man certain would not rely on such a statement. However, this statement that he was - that the accused was discharged illegally occurred in the month of September, 1945. His absence dates, however, from the 17th of July, 1943, an absence of over two years already. In a question by the Court this morning the accused stated that he knew nothing of Rehabilitation Grants. The accused was in the army for eight months before he went absent and I think the Court can take it as a fact that if the accused had a reasonable belief that he was discharged properly, then he certainly would have applied for a Rehabilitation Grant.

The Prosecution submits that the accused did desert His Majesty's Service on the dates 30th July, 1943, until the 19th of February, 1946.