

SECOND WITNESS FOR THE PROSECUTION; Captain Richard Ralph STEWART, R.C.A., C.A.T.C. (A-1) C.A., having been duly sworn, states;

I am 2 i/c "D" Battery. I know the accused. He is in Court.

(Original Warning Order for Special Duty dated 7th March, 1942 produced.)

Warning Order dated 7th March, 1942, received by the Court, marked Exhibit "L", signed by the President and attached to the Proceedings.

I identify my signature and that of the accused on this Warning Order. When we receive a nominal roll from the Adjutant's Office, a certain number of men from our Battery who are to be warned for Special Duty, previous to going on Embarkation Leave, we gather these men in a group, unless the numbers are too large, when we bring them in individually. In this group there were only a few, so we warned them as a group. I read the Warning Order to them in English, as there were no French-speaking men among them. After reading the Order, I asked them if they understood it thoroughly, and explained each paragraph. Each man then signed it, and I witnessed their signatures.

The Defending Officer declines to cross-examine the witness.

The Court and the Judge Advocate are of the opinion that Rule of Procedure 83 (b) need not be complied with

The witness withdraws.

R/R

R/R