

JUDGE ADVOCATE: I must advise the Court first that the objection made can be said to come within the rules. The objection could be on the grounds that the charge does not disclose an offence. But the gist of this offence is causing discord between a man and his wife, the man being under the command of the accused. This is my legal opinion; the objection is not well founded. If the Court decide to grant it, they must give their reasons for so doing.

THE COURT CLOSSES FOR CONSIDERATION OF THE OBJECTION

THE COURT REOPENS.

JUDGE ADVOCATE: "I have been instructed to advise you that the Court has disallowed your objection and that the Court will now proceed with the case."

DEFENCE: May I make a motion to object to that decision?

JUDGE ADVOCATE: "You have already made your motion and every word you have said has been taken down, and the Court has made its decision."

OPENING ADDRESS BY THE PROSECUTION:

Gentlemen: I shall endeavour to prove through witnesses and by the production of exhibits that the accused's conduct towards the wife of L/Cpl Belanger was scandalous. That this conduct was prejudicial to good order and military discipline and of a nature that reflects such discredit upon the Canadian Army that the accused is unfit to remain in it.

I intend to produce a sworn statement by the accused in which he admits this association with the wife of L/Cpl Belanger and corroborates the evidence the witnesses will give. Further the accused therein admits being the author of certain letters to Anne Belanger wife of L/Cpl Belanger.

These letters will be produced as evidence. They are pertinent to this case because in them the accused avows his love for Anne Belanger wife of the aforesaid L/Cpl Belanger. Therein refers to clandestine meetings and promises. Therein also solicits money from said L/Cpl's wife. They also refer to a telegram sent by the accused to Mrs. Belanger.

A copy of this telegram will be produced as evidence, as it calls Mrs. Belanger away from her child and her husband who was on leave. This at the instigation of the accused.

Witnesses will give evidence that the conduct of the accused caused discord between L/Cpl Belanger and his wife. That this conduct was unilitarylike and ungentlemanly because the accused visited Mrs. Belanger at her home, well knowing her husband was not there by virtue of the accused being the Commanding Officer of the said husband.

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