



CANADA

5297

IN REPLY PLEASE QUOTE

No. Q.39-M-1861.

DEPARTMENT OF NATIONAL DEFENCE
ARMY

QUEBEC, P.Q. October 9th 1941.

The Secretary,
Department of National Defence,
OTTAWA, Ont.

DISTRICT COURT-MARTIAL,
D/57511, Pte. Americ MERCIER,
Regiment de Maisonneuve, C.A.,
(Att. to A.I.T.C. A-13).

Central Registry Sec. C.
NATIONAL DEFENCE
651-M-439
OCT 10 1941
Charge
Referred to

1. Enclosed herewith please find the proceedings of the marginally noted District Court-Martial which are addressed to you in order to obtain the opinion of the Judge-Advocate General.
2. The finding and sentence have not yet been confirmed for there is a doubt that the evidence in this case establishes the offence for which the accused is charged.
3. You will notice that the charge is under Army Act, Section 9 (2) and that the evidence given against the accused is that he refused to obey an order. But it also appears in the evidence that the officer giving the order gave the accused 5 hours to think the matter over.
4. You are referred to Note 1, M.M.L., page 434.
5. The opinion of the Judge-Advocate would be appreciated.

LF/LL.

Beaucor
BRIGADIER G.P. VANIER,
District Officer Commanding,
Military District No. 5.
(ord)