

THE PROSECUTION MAKES AN OPENING ADDRESS

Pro Offr

May it please the Court, the accused is charged with Manslaughter. The acts of neglect relied upon are excessive speed of the car driven by the accused; failure to keep a proper lookout and other matters which resulted in the death of one McINTYRE W. The story of events divides itself into two parts.

On the night of 2 May 45 in Brussels, Belgium, Cpl. McIntyre and three companions went downtown. They spent their evening in one or more cafes. A bottle of champagne was split. At eleven o'clock they started home towards their billets. On the way one of the members of the party met a Dutch girl. When they came to the intersection of Chaussée de Waterloo and Avenue Brugmann they separated, McIntyre and two companions proceeding along the East side of Avenue Brugmann and the man called Tryansky proceeding along the West side. Having proceeded,

Def Offr - Did you say Tryansky?

Pros - Yes

Having proceeded along Brugmann for a few minutes, I believe a witness will describe the manner of walking as straggling along. McIntyre decided to cross the street to meet Tryansky who was walking along the sidewalk. Shouts were exchanged, contact was made, and McIntyre started to cross the street. At about this time, a Ford staff car was driving South along Avenue Brugmann at a furious rate of speed. At a point on the road on the West side, where McIntyre was heading, a Chevrolet sedan was parked very near the curb. When McIntyre reached the point near the front of this vehicle the staff car struck and threw him a considerable distance, killing him almost instantaneously. The staff car proceeded on its way and did not come to a halt until it was some one hundred yards from the scene of the accident. The driver left the car and did not return to the scene of the accident and proceeded to his billets.

The second part of the case for the Prosecution will relate to the movements of Pte. McNamara, and the Court will have traced these movements showing that he was the driver of the staff car which struck and killed McIntyre. May I call my first witness.

THE PROSECUTION HAVING BEEN DULY SWORN STATES:

D L R