

On the Seventh day of January, 1941., at 1000 hours the Court re-assembles, pursuant to adjournment, present the same Members as on the Third day of January, 1941.

The Prosecution made an opening address as recorded by the President, marked B-2., signed by the President and attached to the proceedings. The Prosecution proceeds to call witnesses:

First Witness: F-50053., Sapper Devine, W., being duly sworn gives evidence, a transcription being marked B-3., signed by the President and attached to the proceedings.

Second Witness: B-28119., Sapper Mulholland, H. E., being duly sworn gives evidence, a transcription being marked B-4., signed by the President and attached to the proceedings.

The Defending Officer states:

"I wish to submit that insufficient evidence has been produced to establish a case against the accused."

The Court is closed to consider this submission.

The Court overrule the submission.

The court is re-opened and the above decision made known to the accused.

The accused is then asked the following questions, which he answers as shown:

Q. 1. "Do you apply to give evidence yourself as a witness?"

A. 1. "Yes."

Q. 2. "Do you intend to call any other witness in your defence?"

A. 2. "Yes."

Q. 3. "Is he a witness as to character only?"

A. 3. "No, only as to facts of the case."

The Defending Officer proceeds to call witnesses:

First Witness: The accused, B-83098., Sapper Fell, J. F., being duly sworn gives evidence, a transcription being marked B-5., signed by the President and attached to the proceedings.

Second Witness: B-83099., Sapper Brodeault, being duly sworn gives evidence, a transcription being marked B-6., signed by the President and attached to the proceedings.