

Proceedings on Plea of Not Guilty

Question to
the accused.

Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer.

No, sir.

(If the accused applies for an adjournment see instructions at page 747 M.M.L.)

The Prosecutor proceeds to call witnesses.

First Witness
for prosecution.

B-58203 Pte (L/Cpl) R.N. HEWER, No 2 Detachment C.M.S.C.

being duly sworn, is examined by the Prosecutor.

Question

Q- How are you employed at No 2 District Depot?

A- I am employed at Court-Martial duties No 2 District Depot.

Q- Do you know the accused?

A- I recognize Private Auger.

Q- Have you any evidence to produce to the Court relevant to the charge against the accused?

A- Yes, sir, I produce M.F.B. 375, being a certified true copy of the record of the declaration of a Court of Inquiry assembled at Brantford, Ontario, on the 26th of January, 1946, signed by Captain and Adjutant G. Reive, officer having custody of the original record.

Q- To whom does that document refer?

A- To the accused, sir.

Q- Present that document to the Court, please.

Q- ---PRESIDENT: Any objection, Mr. Cooper?

A- ---DEFENDING OFFICER: No, sir.

---Pertinent parts are read to the accused, document is marked Exhibit "F" signed by the President and attached to the proceedings.

---WITNESS: I further produce M.F.M. 216 being a certificate of apprehension signed by Corporal M. Bray, M.C.O. in charge of No 3 Detachment, 32 Company, Canadian Provost Corps, Kirkland Lake, Ontario.

Q- ---PROSECUTOR: To whom does that document refer?

A- ---WITNESS: To the accused, sir.

Q- ---PRESIDENT: Any objection?

A- ---DEFENDING OFFICER: No, sir.