H.Q.C. 55-A-32.

October 8th, 1940.

District Officer Commanding,
Military District No. 5,
Quebec, P.Q.

DISTRICT COURT-MARTIAL
K-22904, Gnr. F. ALLARD,
59th Heavy Bty., R.C.A., CASF.

1. Receipt is acknowledged of your Q.39-A-3 dated 3rd October, 1940, under cover of which were forwarded to these Headquarters for custody the proceedings of a District Court-Martial held for the trial of the marginally noted soldier.

2. I desire to make the following comments on irregularities which appear in the proceedings:-

(1) Paragraph 2 of your letter has been noted and, therefore, no further comment is necessary.

(2) All documents which are attached to the proceedings should be given a reference letter and signed by the President (M.M.L. page 769, para 25). This applies to the various objections and addresses made by the Defending Officer and also the list of Officers Under Instruction.

(3) When the accused elects trial by Court-Martial under Section 46(8), the fact should be recorded on page B of the proceedings in accordance with the marginal instructions.

(4) It is noted that at the end of each witness' evidence, there is a notation that R.P. 63(B) has been complied with. This is an obvious typographical error, and the reference should be to "R.P. 83(B)."

(5) On page E the words "Cross examined by the accused" have been struck out. It is presumed that the accused declined to cross-examine the witness and a notation to that effect should have been inserted.

(6) It is difficult to understand why the Court overruled the objection made by the Defending Officer on page C of the proceedings, insofar as it related to the fact that the Summary of Evidence was not received by him (or, it is presumed, by the accused) until 1000 hours 24th September, which was the time the trial commenced. R.P. 14

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