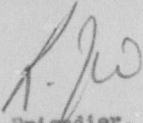


October 15th, 1941.

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

District Court-Martial
D/57511, Pte. Americ MERCIER,
Regiment de Maisonneuve, C.A.
(Att. to A.I.T.C. A-13)

1. Receipt is acknowledged of your Q. 39-M-1861 dated October 9th, 1941, under cover of which you forwarded the unconfirmed proceedings of the marginally-noted District Court-Martial and requested advice as to confirmation.
2. It is our opinion that the evidence shows that this accused disobeyed a lawful command upon his first refusal to pick up the papers as directed, and that this is sufficient to constitute an offence without regard to the subsequent order and the manner in which the gravity of the offence was brought to the accused's attention by intimating that he could have five hours to think the matter over.
3. This is in our opinion an order which called for immediate compliance and not compliance at some future time as contemplated by Note 1 at page 434 M.M.L. We therefore see no reason why the proceedings should not be confirmed, and they are returned herewith for your further consideration.


Brigadier,
Judge Advocate-General.

WJWS/hb