That is all of the references in F.R. & I. sir.

Extracts from the Manual of Military Law, Chapter VII, para.

11, page 106 states:

"In extreme cases an act may sometimes be justified on the plea of necessity, if it is done by a person in order to avoid inevitable and irreparable evil to himself or those whom he is bound to protect, thought of course, the act must not be disproportionate to the end to be attained,".

Through references from F.R. & I. I maintain that the accused applied for Dependent's Allowance, first for his wife, and after the child was born for that child, and this was refused by, first, his Troop Commander, and after going to the Padre took him to the Paymaster. It was again refused without even an application being made. It definitely states there that any application received should receive prompt and efficient consideration and this wasn't done because they stated that he had not supported his wife for two years. It isn't necessary to, because the regulations say that if the board decides that she was a dependent then he should have got in on those allowances.

Now at the time he applied, a Private's or Gunner's pay would be approximately forty dollars a month. Gnr. Dyck did send as much money as he possibly could to support his family, but it is easy to realize that it is impossible to support a family on forty dollars a month, and when he could get no help from there he took the matter into his own hands by leaving the army and supporting his family. Before doing this he wired asking for leave to be extended in the possibility that he might have improved his domestic relations. These wires weren't even answered. His intention was not to desert the army, but to look after his family and through the years when he worked supporting his family he never obtained enough wealth to make it possible for him to return.

In the Fall of 1945, he received certain letters from the National Selective Service and although the Prosecution today stated that a reasonable man wouldn't accept this as it states there, I maintain that a