

1 CDR/5-4-1
16 Mar 42



3 Cdn Inf Bde

FIELD GENERAL COURT MARTIAL
B.88107 Pte. Dube, R., R 22e R

1. The n/y/n proceedings are returned to you herewith.
2. It is noted that evidence prejudicial to the accused was submitted by the second witness for the prosecution by his producing a statement purporting to have been made by one Pte. Legault.
3. May proceedings be returned to the President of the Court in order that the record may be completed in the following regard:
 - (a) Had the Defending Officer legal qualifications?
 - (b) Did the Defending Officer raise an objection to the admission of the document purporting to be signed by Pte. Legault? If so, may it be recorded.
 - (c) Did the Defending Officer demand the presence of Pte. Legault at the trial for cross-examination?
 - (d) Did the Prosecuting and Defending Officers make closing addresses? If so, what were the addresses.
 - (e) Was it practicable for Pte. Legault to have attended the trial (and give reasons)?
 - (f) Was it practicable for the Court to attend at 1 Cdn Gen Hosp (or wherever Pte. Legault was) in order to take his evidence? (Please state reasons).
4. May this correspondence remain attached to the proceedings in accordance with GACRS 1590(3).

H. H. Hough
2094
H. H. Hough Lt.-col.
L.A. & R.M.G. 1 Cdn Div

Rear H.Q.
1 Cdn Div
/MHR