

Memorandum

To:—

THE ADJUTANT-GENERAL;

Department of National Defence

H.Q. 55-M-440 (JAG)

OTTAWA, October 17th, 1941.

District Court-Martial

K.18092, Cnr. James Malcolm MacDONALD,
No. 6 District Depot, C.A.

1. The marginally-noted Gunner was tried by District Court-Martial on September 19th, 1941, at Halifax, Nova Scotia, on a charge of desertion, found guilty and sentenced to undergo detention for sixty days and to be put under stoppages of pay of \$115.55 in respect of costs of apprehension and return.
2. It appears that this accused absented himself on May 18th, 1941, from No. 6 District Depot and was apprehended in Vancouver, B.C., on July 9th, 1941.
3. It appears from the statement of the accused at page 29 of the proceedings that prior to leaving Halifax on furlough he obtained a voluntary transfer form duly signed by the Officer Commanding No. 6 District Depot, and on his arrival in Vancouver presented this to the Officer Commanding, No. 11A District Depot to which he was to be transferred, but due to delay and confusion in moving this Depot the transfer was not approved prior to the expiration of his furlough, and since he did not report back to Halifax he became an absentee.
4. It appears from the address of the defending officer at page 11 of the proceedings that instructions were issued by this Headquarters to attach this accused to No. 11 District Depot, where disciplinary action should be taken in respect to his desertion. These instructions were apparently not carried out and the accused was returned from Vancouver to Halifax at a cost of \$115.55.
5. Under the circumstances, we suggest for your consideration that this is a case where you might instruct the District Officer Commanding, Military District No. 6, to remit the sentence of stoppages of pay of \$115.55.
6. We have been unable to check the alleged instructions issued by this Headquarters since this accused's personal file is charged to your Branch and we are informed that it cannot be located, but we are passing this file for your consideration of our suggestion if it appears that the facts given in the proceedings are correct.
7. Will you kindly return the file with your instructions so that we may report on the proceedings also.

WJMS/hb

G. A. Dwyer
Brigadier,
Judge Advocate-General.
(A.O.D.)