

C O P Y

C.36-P-1626

DEPARTMENT OF NATIONAL DEFENCE
Headquarters, M.D. 13
CALGARY ALBERTA

29th August 1942

The Secretary
Department of National Defence
OTTAWA, Canada

District Court-Martial
M.537897, Pte. PERRAULT, E.A.
General List No. 13 N.R.M.A. Clearing Depot
Attached 131 Canadian Army (Basic) Training Centre, C.A.

Reference H.Q.C. 55-P-264 (JAG) and dated
6th August 1942.

1. The accused was apprehended on the 1st June 1942, reference was made to this Headquarters by Unit on 5th June 1942 on semi-Application Form. Owing to the inexperience of the staff of the Unit concerned it was found necessary either to build the Application at this Headquarters or to educate some Officer at the Centre concerned. An Officer was so instructed at this Headquarters and upon his return to Unit, Application was reasonably promptly made on 23rd June 1942. Many defects were discovered on Application, so again re-turned on 7th July for amendment. Same was re-submitted to this Headquarters after correction, again reasonably promptly, when trial was at once ordered.

2. As to delays generally in bringing cases to trial there are two main reasons therefor:

(a) Applications as received at this Headquarters filled with mistakes of all kinds from start to finish. This is due to the inexperience of the personnel at Training Centres. To correct this Officers are brought to this Headquarters for instruction from time to time. Quite often they are transferred overseas or elsewhere shortly afterwards, when the process begins all over again. Several Training Centres are at points quite distant from this Headquarters.

(b) Upon receipt of such Application it is quite impossible to authorize trial on the papers as submitted with the result that my A.J.A.G. and his Staff must check for law and form each and every document. This takes many hours for each Application which is not often available as the A.J.A.G. has many other duties just as urgent as those in connection with Courts-Martial. In most cases upon re-submission by Training Centres, Applications must be returned for correction in some cases several times.

3. It is also pointed out that unavoidable delays are occasioned by defective and missing documents.

4. An effort has been made to alleviate the situation by allowing soldiers awaiting trial to do so in open arrest. Time spent awaiting trial is also taken into consideration by both Courts and myself.

(P.T.O.)