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PROCEEDINGS ON A PLEA OF NOT GUILTY

- Q. Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?
- A. No.

The prosecutor makes no opening address.

1st witness
for the
prosecution

Major H.K. Vipond, Command Paymaster (Canada's) having been duly sworn, is examined by the prosecutor.

- Q. Do you know the accused?
- A. I have met him.
- Q. Major Mitchell is charged with issuing and negotiating with the Field Cashier 1 Cdn Div on or about 6 Jun 42 a cheque for £30 which was subsequently dishonoured. What do you know about this transaction?
- A. The cheque I assume you refer to was not payable to the Field Cashier 1 Cdn Div, it was made payable to the Paymaster Command Details.
- Q. How did you get it?
- A. I had authorized it previously through him.
- Q. It was a cheque to settle indebtedness to you?
- A. Yes.
- Q. Will you tell the Court of the transaction from the beginning?
- A. About 15 May 42 Major Mitchell came to me and pointed out he had appeared in Overseas Routine Orders and that he was entitled to some £70 of back pay and he was up against it and he needed an advance against this money and would I authorize an advance of £25 or £30 in as much as Treasury Routine Orders and the effective date of his promotion would not credit it until month end. I checked Overseas and did determine he would be credited with approximately £70. Accordingly I gave authority to the Paymaster Command Details to give him £30 on written understanding that the moment his back account was credited with his back pay he would forward a cheque in settlement of this advance. Major Mitchell signed this understanding which also constituted a receipt and in the first week in June I, not having heard from Major Mitchell took steps through the Field Cashier 1 Cdn Div to remind him of his obligation and in due course on 8 Jun 42 a cheque was received in my office dated 6 Jun 42 payable to the Paymaster Command Details in the amount of £30. This cheque was deposited in the official account on 10 Jun 42. On 16 Jun 42 advice was received from Lloyd's Bank Limited, Farnham, that this cheque had been returned by the Bank of Montreal, London, as "refer to drawer", but it had not been charged to the official account and therefore I did not treat it as an "NSF" cheque. I then telephoned the Field Cashier 1 Cdn Div, in the meantime Major Mitchell had been reposted to a field unit. At the time I made the advance he was in the Command area. I telephoned the Field Cashier 1 Cdn Div and asked him to contact Major Mitchell and point out the seriousness of the situation. The Field Cashier phoned me back that he had seen Major Mitchell and told him the situation and that funds would be available to meet the cheque. The cheque was returned again and charged to the official account of the Paymaster Command Details on 23 Jun 42. It was redeposited on 3 Jul 42 and again charged

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