

October 7, 1942.

Camp Commandant,
 Petawawa Military Camp,
 Petawawa, Ontario.

District Court-Martial
C-2327 Sgt. W. G. McIntyre

1. Receipt is acknowledged of your P.6-0-Mc-141 dated October 1st, 1942, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. The following irregularities have been observed in the proceedings:-

(a) As there is only one charge in the Charge Sheet the word "first" should have been omitted in the marginal notation on the same. In addition, the particulars of the charge do not disclose the Unit from which the accused absented himself, nor do the particulars disclose by whom the accused was apprehended.

(b) There is not a full description of the accused in the form M.F.B. 375, his Corps and Unit having been omitted after his name.

(c) The Sergeant who signed the Certificate of Apprehension should have stated after his signature that he was in charge of the detachment of which the soldier of the Provost Corps, who effected the arrest, was a member.

(d) All the inapplicable parts of the two forms M.F.B. 1481 were not struck out by the officer signing the same.

(e) On page "D" of the proceedings it is noted that the whole of that paragraph under the heading - "Where any evidence is given for the defence" - has been struck out. As there was evidence given for the Defence, only the inapplicable parts of this paragraph should have been struck out. The remainder of the same should have been allowed to stand as printed.

3. With reference to paragraph 4 of your letter, I would advise that you grant such remission of the costs of apprehension as will bring the same down to what they would have been if the accused had been taken directly from the place where he was apprehended to his Unit. In addition, the Adjutant General will require an explanation as to why this accused was taken back to his Unit in the roundabout way in which he was.

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