

SUMMARY OF EVIDENCE

in the case of D-6512 Sgt. Clarke, L.M.P. 7th Fd. Bty, 2nd Fd. Reg't,
R.C.A. a soldier in the Canadian Army Overseas.

By direction of the C.O. the evidence was taken on oath.

First Witness:- Capt F.B. Rolph, 7th Fd. Bty. 2nd Fd. Reg't, R.C.A. having been duly sworn deposed as follows:
On the morning of Tuesday April 14, 1942 at approx. 1000 hrs, while engaged on the scheme ROBIN II, I ordered Sgt Neale, the A/TBSM of A Tp of the 7th Fd. Bty. to have Sgt Clarke and his gun crew relieve Bdr Corbett and his gun crew on A sub. gun. About 20-25 mins later Sgt Clarke had not relieved Bdr Corbett and I questioned Sgt Neale about it. Just after that I saw either Sgt Clarke or I/Sgt Pinniger who is the 2 i/c of Sgt Clarke's gun crew in a nearby cafe. I sent Sgt Neale over and a minute or two later I saw Sgt Clarke and his crew come out of the Cafe and I shouted at them to come over to the gun right away. I stopped Sgt Clarke on his way to the gun and told him I was putting a charge against him. Sgt Clarke's gun had been put out of action previously by me on an Umpires instructions and I ordered Sgt Clarke with his gun crew and Quad and Gun to proceed about 50 yds down the road and stand by. We moved subsequently ~~and then~~ about half a mile back and took up position again to the East of Amberley Bridge and I gave Sgt Neale instructions about parking Sgt Clarke's gun. We were in the new position approx. 1 hour to 1 hour and a half when I sent back for Sgt Clarke.

F.B. Rolph
F.B. Rolph, R.C.A.
"A" Tp. 7th Fd. Bty. R.C.A.

Questioned by
the accused

- Q- You said before the Col. that you were told I was in the Cafe with my gun crew, is that true?
A- That is true, Sgt Neale I believe told me Sgt Clarke was in there and I looked over and saw one of ~~the~~ crew as I have stated above.
Q- Did you order me to go back and relieve A-1's gun crew when they were in action?
A- Yes, I sent that order to you through Sgt. Neale.
Q- Did I obey that order?
A- Yes, after I had sent Sgt Neale to fetch you and your gun crew from the Cafe, you relieved Bdr Corbett and his crew from then until we moved from that position about 3/4 of an hour later.
Q- ~~They were in action~~ When you were put out of action on ROBIN II what was the gun crew supposed to do, and was this a Corp Order?
A- They would return normally to the Wagon Lines for **four** hours and then return to action and it was not a Corp Order it was a Div. Order.
Q- What time did the scheme actually end?
A- I don't remember, it was either 1200 hrs or 1230 hrs.

F.B. Rolph
F.B. Rolph, R.C.A.
"A" Tp. 7th Fd. Bty. R.C.A.

The Accused declined to further question the witness.