

February 3rd, 1943.

CONFIDENTIAL

District Officer Commanding,
Military District No. 3,
Kingston, Ontario.

Re: District Court-Martial
D.129243 - Cdr. Joseph Paul Emile Aubin
No. 3A District Depot, C.A.

Receipt is acknowledged of your K.55-A-810(JAG) dated January 29th, 1943, 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) The Medical Officer has not set out his Unit or attachment on his report. This is important because if the ability of the accused to stand trial is ever questioned it may be difficult to locate the M.O. without this information.
- (b) As the Court was composed of members of the same District Depot, the notation mentioned in R.F. 20 should have been added to the Convening Order, please.
- (c) In M.F.B. 378:
 - (i) The full description of the accused should be set out after his name on line 5.
 - (ii) The Unit from which the accused went absent as well as the place should be stated.
 - (iii) Para. 4 of R.O. 1877 should be complied with in valuing deficiencies.
 - (iv) The Units of the members of the Court should be stated.
- (d) In M.F.M. 215 deletions should be initialled.
- (e) It is observed the Court has decided to disallow incidental expenses which were set out on M.F.B. 1481 instead of M.F.B. 1482. I have no quarrel with this finding especially as it brings home to all concerned the need for using the proper form but I wish to point out for the benefit of the Court in future cases that it is quite in order to assess incidental expenses and costs of meals against an accused where they are properly incurred even if they are set out on an M.F.B. 1481.

In the last line of para. 6 of R.O. 1877 the word "should" appears and not the word "must."

None the less meals and incidentals certainly should be set out on the proper form and I hope
.....S.

*Chapman was
in mine custody
see 405-A-3420
WAS*