

10/11/45

FIELD GENERAL COURT/MARTIAL

Convened by Order of A/Col. R. Douglas Roe, Comd C.F.C., dated 14 Feb 45.

ACCUSED

G.16092 Pte. Frank Clayton Howes, No. 4 Company, Cdn Forestry Corps  
G.45557 Pte. Eugene Leroy Atherton, No. 4 Company, Cdn Forestry Corps.

PROCEEDINGS OF TRIAL

Held in the Fd in Scotland on nineteenth February, 1945.

The President, Members, waiting Member, and Offrs under instr., if any, assemble, and the Court is closed.

The President initials and lays before the Court the Convening Order and Charge Sheet attached thereto. The Court is satisfied that it is properly convened and constituted, accused are amenable to military law, and each charge discloses an offence.

The Court is opened. The accused are brought before the Court. At 1040 hours trial commences. Neither of the accused requires the services of an interpreter. The Prosecutor produces a Medical Certificate that accused are fit to undergo trial by court-martial.

President to accused G.16092 Pte. Howes, F.C.: Do you object to G.17024 Sgt. Cogswell, F.W., as shorthand writer?  
Accused: No.

President to accused G.45557 Pte. Atherton, E.L.: Do you object to G.17024 Sgt. Cogswell, F.W., as shorthand writer?  
Accused: No.

The shorthand writer is sworn.

The Convening Order and names of the President and Members of the Court are read to the accused G.16092 Pte. Howes, F.C.

President to accused: Do you object to be tried by me as President or by any of the members of the Court?  
Accused: No

The Convening Order and names of the President and Members of the Court are read to the accused G.45557 Pte. Atherton, E.L.

President to accused: Do you object to be tried by me as President or by any of the members of the Court?  
Accused: No

Waiting Member retires. The President, Members, and Offrs under instr. are sworn. The following are the ranks, names and units of the offrs comprising the Court: etc.:

President: Major W.H. Wallace, Headquarters, C.F.C.

Member: Major J.T. Shillington, Headquarters, C.F.C.

Member: Lieut. R.R. Murray, No. 22 Company, C.F.C.

Prosecutor: Capt. K.V. Stratton, Headquarters, C.F.C. (legal)

Defending Offr for G.16092 Pte. Howes, F.C.:

Lieut. C.F. Harding, No. 6 Company, C.F.C.

Defending Offr for G.45557 Pte. Atherton, E.L.:

Mr. A.H. Macdonald, Solicitor, Forbes

Offrs attending for instruction: Major C. SIMONS, Headquarters, C.F.C. (RCAPC)

Lieut. W.A. Hooper, No. 4 Company, C.F.C.

Lieut. A.R.H. Laing, No. 20 Company, C.F.C.

Questions by President: Is the Prosecutor a lawyer.

Answer: Yes.

Is the Defending Officer for Pte. Howes a lawyer?

Answer: No

Is the Defending Officer for Pte. Atherton a lawyer?

Answer: Yes.