

*J. Nakin*

Plea of Mitigation in the case of A-19283 Pte. Black, E.C.

Gentlemen of the court:

The accused pleads guilty of the charge. Since he pleads thus, the Court is duly bound, by law, to punish him.

However it is the courts privilege, and duty to decide the kind of punishment, the accused will have to undergo.

Gentlemen, before the court decides on a fitting punishment for this mans mistake, I beg your indulgence, whilst I relate a few salient facts about the accused himself, facts that have had such a vital bearing on the accused behavior. Facts that should have a most vital and important bearing on the decision of the court.

In the year 1939, the accused was working for the C.N.R., as a cook. He was a good worker. The Company had had ample time to find this out. For on the 5th Sept.39, he had served 8 years with them.

He was a happily married man. His children numbered three, two boys age 19 and 24, and one girl.

In Sept. of the year 1939 Canada went to war with Germany, she appealed for men. This man, like many thousands, through hard work, had gotten together a comfortable home, nevertheless he felt he must do his bit. He immediately enlisted.

Sir: I wish to emphasize one important fact. (He told the authorities he was 43, when in reality his true age was 49. That means Gentlemen)-the accuseds present age is 54 years. This man should never have been allowed overseas. He could have done a better job in Canada.

In Sept. 40, he came overseas, his category at that time was "A".

Feb.1942 he complained of excruciating pains in the right leg. On being medically examined he was told that he had severe arthritis,-a terribly painful disease.-It resulted in his category being brought down to "C".

This disease was impairing his efficiency as a soldier.-The damp English climate was aggravating it.

-In the meantime his two boys had joined the army.

His letters from his wife reflected strain and worry on her part. She was a very sick woman.

-Under these depressing circumstances, he asked to be sent home.

- Time and time again he interviewed various officials, but to no avail. Nobody seemed to take any interest in his case.=

E-3  
MM