

**SCHEDULE.**

**PART I. PLEA(S), FINDING(S) AND SENTENCE.**

Accused: G 16092 Private Frank Clayton Howes } No. 4 Coy C.F.C.  
G 45557 Private Eugene Leiby Atherton

Charge	Plea	Finding	
(Insert "alternative" where applicable)	(See Instrs p 2.)	(See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
1st <u>Against Authority Not Guilty</u>	<u>Not Guilty</u>	<u>Guilty</u>	
1st <u>Unit ... At Arms Not Guilty</u>	<u>Not Guilty</u>	<u>Guilty</u>	
3rd			
4th			
5th			
6th			

(Note: As to findings for lesser offences see AA 56, RP 44; findings on alternative charges see MML p 483 in 4 para 2, RP 44; special findings see RP 44 and MML p 753, and in loss of kit see RP 44 in 6.)

All payment under suspension for: \_\_\_\_\_ beginning on (date) \_\_\_\_\_ (1)  
 (1. Insert sentence being served, or delete, if not applicable. See RP 46(A). Information should be found on MF B355 or AF B296.)  
 Time in confinement awaiting present trial—a total of 71 days, of which 71 days were spent in hospital. (2)  
 (1. See RP 46(A) in 2. Information should be found on MF B355 or AF B296 admitted in evidence under E2.)  
 Sentence Awarded by the Court:  
G 16092 RA. Howes P.C. 28 days actual punishment and to forfeit 28 days pay  
G 45557 Pte Atherton P.C. To undergo detention for forty five days  
 (Sgd) \_\_\_\_\_ Date awarded 19 Feb 45 (Sgd) \_\_\_\_\_ President. (RP 45, 50)  
 Judge Advocate, if any. \_\_\_\_\_  
 (See back of Convening Order as to assembly and disposal of record after trial.)

**PART II. MINUTE WHERE CONFIRMATION RESERVED.** (AA 54(1), RP 120(F), MML p 760.)

Date \_\_\_\_\_ (Sgd) \_\_\_\_\_ Commanding \_\_\_\_\_

**PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.**

(For duties and powers see AA 54, 57, RP 37(D) in 4, 46(A), 51-56, 120, MML pp 759-761, RA Can 567-577. Acquittals require no confirmation and cannot be revised; AA 54(3). Sending back finding or sentence for revision by Court: AA 54(3), RP 120(G). If not confirmed, accused may be tried again: AA 157, MML p 64. Minute of confirmation or non-confirmation may be altered before promulgation: RP 53, MML p 65. Quashing after promulgation: RA Can 573. Duties and powers of reviewing offrs: AA 57, 57A, RP 53A, 54. The Confirming Offr must sign here personally. AA 172 in 1.)

My decision on the finding(s) and sentence set forth in Part I is:  
I confirm the findings and sentences  
 I dissent that the accused be not committed to prison or detention barracks until further orders (4)  
 (1. AA 57A. Delete if not used.)  
 Date 23 Feb 45 (Sgd) Colonel  
 Commanding Canadian Forestry Corps  
 Confirming Officer.

**PART IV. PROMULGATED AND EXTRACTS TAKEN.** (RP 53, RA Can 576, 577.)

Accused: \_\_\_\_\_ Date \_\_\_\_\_ Signature of Offr \_\_\_\_\_  
G 16092 Private Frank Clayton Howes 24 Feb 45  
G 45557 Private Eugene Leiby Atherton 24 Feb 45

ALL DELETIONS AND ALTERATIONS WILL BE INITIALED.



RECORDED AT CMHQ IN AB 160 4V-116  
4V-117

**FIELD GENERAL COURT-MARTIAL**

Converted by Order of Col. R. Douglas Roe Comd Cdn. For. Corp. dated 14 Feb 45

**ACCUSED.**

(As to trial of two or more charged jointly see RP 16, 71, 109. As to reasons for showing (a) permanent or confirmed rank, and (b) appmt, rank or appmt, if any, see AA 182, 183, in RA Can 308, 328, 330.)  
 Number: (a) Prmt R. (b) Appmt, A/R or A/Appmt. Frank Clayton Howes } No. 4  
Eugene Leiby Atherton } Coy. C.F.C.  
 (Sgd) \_\_\_\_\_  
 REVIEWING OFFICER, **PROCEEDINGS OF TRIAL.**

Held in the Pd in (country) Scotland on (date(s)) 19 FEB 45

**RECORD FORM A—OPENING PROCEEDINGS AND ARRAIGNMENT.**

A1. The President, Members, waiting Member, ~~JA~~, if any, and Offrs under instr, if any, assemble, and the Court is closed.  
 (PRINTED MATTER NOT IN ITALICS FOR GUIDANCE. WILL BE DELETED IF NOT USED OR APPLICABLE AND INITIALED BY PRES OR JA. The Schedule referred to throughout is on p 4. Citations do NOT include all relevant instr NOs. For guidance on procedure when a variation in this form arises, see form for GCM in MML pp 741 to 759. A brief record of such variation will be made and given a number having reference to appropriate or preceding para number herein. See back of Convening Order, CF 495, for info on how to record addresses, evidence, etc. which instrs are hereafter called "Notes". As to general provisions for conducting the trial see AA 33, RP 36, 63-70, 73, 74, 94, 103, 119, 132.)  
 A2. The President initials and lays before the Court the Convening Order and Charge Sheet(s) attached thereto. (1) The Court is satisfied that it is properly convened and constituted, (2) accused by (are) amenable to military law, and each charge discloses an offence. (3)  
 (1. As to use of Summary of Evidence see RP 17 in 6. 2. AA 49, 50, RP 105-107. 3. RP 11-13, 23, 24.)  
 A3. The Court is opened. The accused by (are) brought before the Court. At One O hours trial commences.  
 A4. The Prosecutor produces a Medical Certificate that accused is (are) fit to undergo trial by court-martial. (1) The ~~Prosecutor informs the Court that accused should be tried by court-martial instead of being dealt with summarily by the CAG.~~  
 (1. RA Can 557. 2. AA 46(B), RP 60 in 1. For effect see RA Can 563(C). Delete, if not applicable.)  
 A5. President to accused: ~~Do you object to \_\_\_\_\_ as interpreter?~~ G 17024 Sgt. F.W. Cogswell as shorthand writer? Yes  
 The shorthand writer is sworn. (1)  
 (1. RP 72. Delete, if none employed.)

A6. The Convening Order and names of the President and Members of the Court are read to the accused. (1) President to accused: Do you object to be tried by me as President or by any of the Members of the Court?  
 Both Ans No (2)  
 (1. RP 110. 2. If no objection, waiting member retires. RP 68(B). If objection, see procedure AA 51, RP 25, 71, 18, MML p 742.)

A7. The President, Members, ~~JA~~, if any, and Offrs under instr, if any, are sworn. (1) The following are the ranks, names and units of the offrs comprising the Court, etc:  
 President Major W. H. Wallace HQ C.F.C.  
 Member Major J. Y. Wellington HQ C.F.C.  
 Member Lieut. R. R. Murray No. 22 Coy C.F.C.  
 Judge-Advocate \_\_\_\_\_

Prosecutor Capt H. V. Stratton (Sgd) HQ C.F.C.  
 Defending Offr Lieut. C. F. Harding No. 6 Coy C.F.C. per Mr. Howes  
Mr. G. H. Macdonald, Public Officer, for Mr. Howes  
 Questions by President: Is the Prosecutor a lawyer? Ans Yes. Is the Defending Offr a lawyer? Yes (2)  
 (1. RP 26, 27, 106, 111. List of offrs under instr will be returned separately with proceedings for information of Case Offr.)  
 (2. If Pres a lawyer and Def Offr not, accused is entitled to an adjournment when RP 89 (B) and in 2 were not followed. See D1 p 3.)

A8. The accused G 16092 Pte F.C. Howes before arraignment makes (1) one plea for trial and one plea for summary trial. Also death sentence by Mr. E. L. Atherton, Pte. Howes  
 (1. If a special plea is made for separate trial on one or more charges (RP 62(E), 108), or as to the jurisdiction of the Court (RP 36, 35(A), 112), or in bar of trial (RP 36), or as to accused's mental fitness to stand trial (AA 130, RP 57), or by one of several accused charged jointly to be tried separately (RP 16, 71), such plea, the addresses made in support or against, the evidence, if any, and finding are recorded per Notes. For forms of record see references in file to RP cited. Insert in AB rank and name of the accused making the plea.)

A9. The accused by (are) arraigned (separately) on all charges in the charge sheet. (1) The accused does (do) not object to any charge. (2) There is no amendment to be made to the Charge Sheet. (3) The President records the pleas in Part I of the Schedule.  
 (1. RP 31, 112. See para 1 of instrs p 2. When more than one Charge Sheet see RP 62; when several accused to be tried separately see RP 71(C), and use separate copies of CF 496 to record proceedings. 2. RP 32, RP 33. If otherwise, delete and make appropriate record per Notes.)

A10. The Court is closed and considers the Instrs on Procedure after Arraignment at top of p 2. The proceedings are continued on Record Form DYE  
 PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.