

Proceedings of Field General Court Martial of

B/86028 Pte. Simon, C.B.,
1 Cdn Div Pet Coy, R.C.A.S.C.

*DeWalt
Major*

The court opens in the absence of the accused at Ladymead House, Reigate Road, Reigate, at 0930 hrs. 26 Feb 41 and satisfy themselves that convening order is in order, that all members are eligible and that the charge is in order and discloses an offence.

The accused is brought before the court and the convening order is read.

The accused does not object to the members of the court.

The members and president of the court are sworn.

The charge sheet is marked "B-2" and signed by the president. The charge is read to the accused who pleads "Not Guilty."

The accused states that he is ready to proceed with his defence.

Opening address of the prosecutor:

The prosecutor points out Para 33, Chap III, page 22, and says it is important to prove that property has been taken and carried away without the consent of the owner. He also points out the sequence of events. "It appears that the accused has been dickering for the sale of the article in question at a public house and that a sale was effected and in return he received a certain sum of money. I would point out that there is no question of mistaken identity of the accused. I emphasize that property did change hands. Regarding the conduct of the accused, the evidence will satisfy the court that the allegations made in the summary of evidence are substantiated."

1st witness for
the prosecution

A/99729 Cpl. Milne, J., 1 Cdn Div Pet Coy, R.C.A.S.C.,
having been duly sworn states:

My position in the Company is sub-section Cpl. and I have been with the Company for a considerable time. I was issued with a Smith & Weston .455 revolver sometime in Dec 1940. A Part I Order came through that side arms were not to be carried off duty. I had permission from the Section Sgt. to go down town. I hid my revolver in my kit. When I returned at noon I found the revolver was missing. I did not see the revolver again until I identified it at the Reigate Police Station. The number of the revolver is 53817. Right now I can't remember the exact date on which I missed the revolver. There was no one in the room when I hid the revolver. As soon as I found the revolver missing I reported the loss to Sgt. Kempling, my Section Sgt.

The defending officer declines to cross examine this witness.

Rule of Procedure 83 has been complied with.