

Taken on oath at request of accused

19.

SUMMARY OF EVIDENCE

Z F

1ST WITNESS

A3436, Cpl. SPURGEON, R.L. of The Royal Canadian Regiment having been duly sworn states:

"As Coy Orderly Serjeant of "D" Coy., R.C.R. on 3 Nov 41. I checked the billets at 2230 hrs and found Pte Gfroerer absent. He reported back to me at 1000 hrs., 5 Nov 41. He was clean, sober and properly dressed. I placed him under open arrest. At 2000 hrs. 5 Nov 41., I checked the billets and found Pte Gfroerer absent again. He reported back to billets at 0100 hrs 6 Nov 41.

QUESTION

When was I placed under open arrest?

ANSWER

When you reported to me at my quarters.

QUESTION 2

What words did you use?

ANSWER 2

You are under arrest.

*R.L. Spurgeon, Cpl.*  
.....R.C.R.  
A3436, Cpl. Spurgeon, R.L. - "D" Coy.

The accused No. A3809, Pte Gfroerer, J.A. of the Royal Canadian Regiment was then asked in accordance with the Rules of Procedure 4 (E)

"Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence".

The accused declines to make a statement.

The witness gave evidence on Oath at the request of the accused.

Certified that the Rules of Procedure 4 (C) (D) (E) and (F) have been complied with.

Taken down by me in the presence and hearing of the accused on this sixth day of November, 1941, at CHIPSTEAD, Surrey.

*R. H. Budden*  
R. H. BUDDEN, Major

Victoria Rifles of Canada A. E.

President of the Court Martial.

*E. G. Nelson*  
.....R.C.R.  
(E.G. Nelson) Capt.

Officer taking Summary.

CHIPSTEAD, Surrey.  
6 Nov 41.