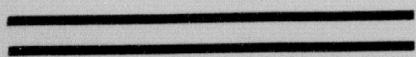
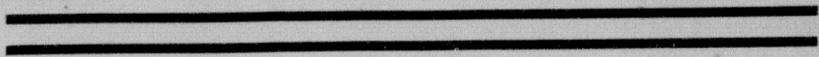
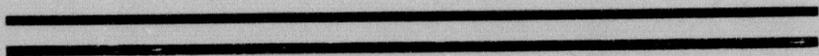
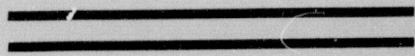


44.D.14A

START



FIRST



SIDE

H.Q.C. 55-D-1886

CONFIDENTIAL

M.P.R. 512
25M-2-43 (4000)
H.Q. 301-1-57

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT ARMY

DISTRICT COURT MARTIAL

DOBISH, STEPHEN SK 2820 CPL

CONFIDENTIAL
H.Q.C. 55-D-1886

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and number on "With Minute")		
				JAG	Returned - thanks.		CR 15-11-49
	18 th /49	PA	E.H. Dadmi	30 notes - PA			17 th /49

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

H.C. 55-D-1886 (JAG/O)

XXXXX

THE OFFICE OF THE JUDGE ADVOCATE GENERAL



November 17th, 1949.

Headquarters,
Western Command,
Kingsway Avenue,
EDMONTON, Alberta.

District Court-Martial
SK 2820 Cpl. Dobish, S.
BC Area Sig Sqn

Receipt is acknowledged of your
WC/SK 2820 (A) dated 1 November, 1949,
enclosing proceedings of the marginally
noted District Court-Martial.

2. These proceedings were entered
in our records as No. 47144 on 16 November,
1949.

(W. M. W. Shaw)
Lt.-Col.
DIAG

NOV 17 1949
(W.M.W. Shaw) Lt.-Col.
for Judge Advocate General.

NOTED
Edmunds Capt
for [unclear] WMS/ML
18 4/49

Local 2891

MEMORANDUM - DISTRICT COURT-MARTIAL

No. SK 2820 Name DOBISH, Stephen

Rank Corporal Unit BC Area Signals Squadron

Charge AA 18(4) - Stealing Public Property
AA 18(4) - Stealing Public Property

Date of Crime (1) 10 March 1949; (2) 5 May 1949;

Date of Arrest Charge Signed 25 September 1949

Orders for D.C.M. 26 September 1949

Place and Date of Trial Esquimalt, B.C., 28 September 1949

Sentence Reduced To The Ranks

Date of Confirmation 6 October 1949

Date of Promulgation 15 October 1949

Entered in Records of J.A.G. as No. 47144

Date 16 November 1949

MEMO Accused found Guilty of both charges.

W.M.W.
 (W. M. W. Shaw)
 Lt. Col.
 DJAG

NOV 16 1949

for Judge Advocate-General



IN REPLY PLEASE QUOTE No.

WG/SK.2820 (A)

DEPARTMENT OF NATIONAL DEFENCE

ARMY

Headquarters, Western Command,
EDMONTON, Alberta,
1 Nov 49

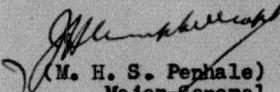
Army Headquarters,
OTTAWA, Ont.

DISTRICT COURT-MARTIAL
SK.2820 Cpl. DOBISH, S.
BC Area Sig Sqn

206
NOV 7 1949
1120 ... 1949
Chg ...

Herewith Proceedings of District Court-Martial held at RCSA (C&AA) 23 Sep 49 for SK.2820 Cpl. Dobish, S., B.C. Area Sigs Sqn.

2. The accused was tried on two charges under AA Sec 18(4) "Stealing Public Property". He pleaded guilty to both charges and was sentenced to be reduced to the ranks.
3. The sentence was confirmed by the Commander, B.C. Area, and promulgated in Unit Part II Orders.
4. The comments made by the Defending Officer in his plea in mitigation have been noted, and action is being taken by Command Signals Officer to rectify this situation.
5. The Proceedings have been reviewed at Headquarters, B.C. Area in accordance with CAO 62-3 and no administrative action is considered necessary.


(M. H. S. Pophale)
Major-General
General Officer Commanding
Western Command

MEDICAL OFFICER'S CERTIFICATE

I certify that No. SK2820 Cpl Stephen DOBISH, BC Area Signal Squadron, Western Command Signal Regiment, RCCS, CA(AF) is

... *Fit* to undergo trial by Court-Martial

Insert "fit" or "unfit"

28 SEP 49
RCSA (C&AA)

J. G. McKie M.D.
(J. G. MCKIE) M.D.

J. H. Meier
President D.C.M.

printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for General and District Courts-Martial

Proceedings of a District Court-Martial held at Conference Room, Work Point Barracks, Esquimalt, B. C. on the 28th day of September 19 49 by order of Brigadier M. P. Bogert, DSO, OBE Commanding B.C. Area Canadian Army dated the 23rd day of September 19 49

President.
ZB 118 Major J. A. Hilliard,
RCSA (C&AA)

Members.
ZK 767 Captain D. K. Brown, 129 HAA Bty RCA.
ZP 1667 Captain E. A. Lower, 217 Workshop, RCEME.

19850 Squadron Leader G. W. Brown, Judge Advocate.
North West Air Command, RCAF

Trial of* SK 2820 Corporal Stephen DOBISH,
B.C. Area Signal Squadron, Victoria Detachment.

The order convening the Court, the charge-sheet and the summary ~~(or abstract) of evidence~~ are laid before the Court.

J.M.A. The Court satisfy themselves that ~~_____ is not available to serve owing to _____~~ *J.M.A.*
~~_____ waiting member takes the place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.*

The accused is brought before the Court.

Prosecutor,† ZK 2503 Captain C. A. Coull, RCSA (C&AA)

J.M.A. Counselor or defending officer‡ ZC 2633 Captain B. L. Button,
Area Personnel Officer, HQ B.C. Area.

At 1030 hours the Trial commences.

The order convening the Court is read, and is marked signed by the President, and attached to the proceedings. X

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

No, sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

*Here insert No., Rank, full Name, Unit, Attachment (if any), and Appointment (if any).

† Here state Rank and Name, Unit (if any), and Attachment (if any).

‡ Qualification to be stated.

(Strike out and initial when not applicable.)
CAFB 271
3M-3-49 (2090)
H.Q. 224-21-B-271

J.M.A. I have satisfied myself that ~~_____ the officers detailed as members of the Court have presided upon any Court of Inquiry respecting the matter forming the subject of the charge (charges) before the Court-Martial.~~

B

The President, members and judge-advocate are duly sworn.

Q.2 Do you object to Miss N. C. Drury, Civil Servant of Victoria B.C. acting as shorthand writer? Answer No, sir. *Question to the accused.*

Miss N. C. Drury, Civil Servant of Victoria, B.C. is duly sworn as shorthand writer.

~~The following officers under instruction, having been duly detailed, are duly sworn.~~ *M.C.D.*

At 1100 hours the Court adjourns until 1400 hours on 28th September, 1949.

On the 28th September, 1949, at 1400 hours the Court reassemble, pursuant to adjournment; present the same members as when adjourned.

The accused is brought before the Court.

Charge-Sheet

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

Instruction.
If the accused has elected to be tried under Army Act, sec. 48 (8) the fact should be here recorded.

M.C.D.
The accused is arraigned upon ~~the~~ [each] charge in the above-mentioned charge-sheet.

SK 2820 Corporal Stephen Dobish, Victoria Detachment B.C. Area Signals Squadron, Western Command Signals Regiment, Royal Canadian Signals.
Q.3 Is that your number, rank, name and unit? *Question to the accused.*

A.3 Yes, sir. *Answer.*

Q.4 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A.4 Guilty, sir. *Answer.*

Q.5 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A.5 Guilty, sir. *Answer.*

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question*

~~Answer.~~

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question*

~~Answer.~~

The accused having pleaded Guilty to both charges, the provisions of Rule of Procedure-35 (B) are here complied with.

— If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

B 2

J. H. Alford -3-
Major
President D.C.M.

CHARGE SHEET

The accused, SK 2820 Corporal Stephen DOBISH,
Victoria Detachment BC Area Signals Squadron,
Western Command Signals Regiment, Royal Canadian
Signals, which unit for the purpose of discipline
is attached to the Royal Canadian School of
Artillery, a soldier of the Canadian Army, Active
Force, is charged with:-

STEALING PUBLIC PROPERTY

- in that he -

First Charge
Section 18 (4)
Army Act

at or near Victoria, British Columbia, on 10th
March, 1949, stole approximately sixty pounds of
lead, the property of the public.

STEALING PUBLIC PROPERTY

- in that he -

Second Charge
Section 18 (4)
Army Act

at or near Victoria, British Columbia, on 5th
May, 1949, stole approximately 370 pounds of lead,
the property of the public.

Victoria, B.C.,
25 September, 1949.

A. Perron

(A PERRON) Lt.Col.,
Commanding Officer,
Royal Canadian School of Artillery (C&AA)

TO BE TRIED BY DISTRICT COURT MARTIAL.

VANCOUVER BC
26 Sep 49

L. J. St. Laurent
(L. J. ST. LAURENT) MAJOR
DAAG
FOR COMMANDER BC AREA
CANADIAN ARMY

" H "

ADDRESS BY DEFENDING OFFICER
IN MITIGATION OF PUNISHMENT

Mr. President and Gentlemen:

Corporal Dobish has pleaded guilty to the two charges and in doing so throws himself on the mercy of the Court. I would like to refer to certain circumstances surrounding the case.

The lead referred to in the charges comes from two main sources:- First, the old cable yard in which cable lies around haphazard and unguarded and with no accurate check on it at all. The cable there is not used in the normal course of signals work. The second source is from salvage cable ends which result from work done and it is a fairly common practice for members of the Signal centre to dispose of it.

There is a dearth of regulations in effect regarding collection and proper disposal of such metal and this left an unnecessary temptation in the way of the men working with it which was difficult to withstand.

Captain Coombe has given character evidence. Corporal Dobish's work is satisfactory and he has five years in the army without one blemish. He is a married man with two children and has had a great deal of illness in the family. His wife has been ill and while she is recovering, it has been a big drain on his resources.

The accused has come forward and admitted his guilt and has co-operated with the civil and service authorities from the very first. And in view of his past good record I would ask the Court to consider the matter very carefully and award a sentence that is as lenient as possible.

Judge Advocate: Again, Captain Button - with respect to the matters mentioned by you - these are raised only as factors in mitigation, is that correct?

Defending Officer: That is right, sir and there is no intention of trying to excuse the accused completely for what was done.

J. M. A.

Victoria, B.C.

Mar 10 1949



No. 992

To The Canadian Bank of Commerce

DOUGLAS & BAY BRANCH (COR. DOUGLAS & BAY STREETS)

Pay to the order of

S. Dolish

\$ 6 ⁴⁵/₁₀₀

THE SUM OF \$6 AND 45 CENTS

PITT & HOLY
LUMBERING HEATING
100 Dollars

Phone E-7413 601 Esplanait Rd.



EXHIBIT C

J

W. Pitt

No. _____

May 5¹ 1941

Name _____

Pauline

Ship _____

Terms _____

Sold by _____

Scrap metal \$37.50

G. Habicht

EXHIBIT "B"

Harwood
27-8-49

Stephen Holm

All this metal was obtained at
the Signal Detachment, West Point
Barracks, Esquimaux, B.C. Since
this was Army metal, I did not
think there was any harm in taking
it, although I know it was contrary
to Army Regulations.
I make this statement voluntarily
knowing it to be true to the best of
my knowledge and belief.

On two occasions I transported, by
Army truck, quantities of metal which
consisted of melted down lead, to
601 Esquimaux Rd, Esquimaux, B.C. I
do not remember the amount of
money received for the metal on these
two occasions.
On May 5, 1949 I transported a
quantity of metal, by Army truck, to
Holm's Plumbing & Heating, 1323
Government St., Victoria, B.C. I received
\$37.50 for this metal which consisted
of melted down lead.
I have been duly warned that:
I need not say anything. I have
nothing to hope from any promise
or favor and nothing to fear from
any threat, whether or not I say
anything. Anything I do say may
be used as evidence.

Statement of Stephen Holm, Cpl. SK 2830.

Aug 27, 1949 - M
West Point Barracks,
Esquimaux, B.C.

EXHIBIT No.

(Sgd) *W. Coombe*.....Captain,
Officer Commanding,
Victoria Detachment, BC Area
Signal Sqn, Western Command
Signal Regt, R.C.C.S.

6th Witness

NO. SH-28373 Signalman William HUMEN, Victoria Detachment, BC Area Signal Sqn, Western Command Signal Regt, R.C.C.S., having been duly sworn, states:

I am No. SH-28373 Signalman William HUMEN, Victoria Detachment, BC Area Signal Sqn, Western Command Signal Regt, R.C.C.S. On 27 Aug 49 2 members of the RCMP questioned me in regard to selling lead in the presence of Captain COOMBE. They asked if I knew if Corporal DOBISH and Corporal BRUNDRIE were selling lead and if I had anything to do with it, which I did not. They asked me if I ever did sell any lead to which I replied, I sold lead but it was not Army lead which amounted to \$1.50. This lead was sold by me in the summer of 1947.

The witness was cross-examined by Corporal DOBISH as follows.

Q-1 Where did the lead that you sold come from?

A-1 The RCME left a lot of scrap metal in Signals back yard. From this scrap I found this lead in question.

Q-2 Hasn't it been a general practice that scrap lead around Signals was disposed of in some manner or other.

A-2 Yes.

(Sgd) *W. Coombe*.....Sgmn,
Victoria Detachment, BC Area
Signal Sqn, Western Command
Signal Regt, R.C.C.S.

QUESTION TO THE ACCUSED: "Do you wish to make any statement or give any 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."

ANSWER BY THE ACCUSED: "I have nothing to say at this time, Sir."

(Sgd) *S. H. P. ...*.....Cpl,
Victoria Det, BC Area Sig Sqn,
Western Command Sig Regt, RCGS

I certify the foregoing Summary consisting of 4 pages was taken down by me in the presence of the accused at Esquimalt, B.C. on the 6th, 7th, 8th, and 9th of September 1949, and that Rules of Procedure 4 (C) (D) (E) and (F) have been complied with.

(Sgd) *Charles A. ...*.....Capt, RGA,
Royal Cdn School of Arty (CA(AF))

4th Witness Mr Albert William Percy PITT, part owner PITT AND HOLT PLUMBING AND HEATING, Victoria, B.C. having been BEING duly sworn, states:

I am Mr Albert William Percy PITT, part owner PITT AND HOLT PLUMBING AND HEATING, Victoria, B.C. We bought lead from various persons bringing in lead to sell to the firm of PITT AND HOLT. Anyone bringing in lead we have made a habit of getting a signature whether for cash payment or by cheque.

The witness declined to cross-examine.

(Sgd) *APITT* Part Owner,
PITT AND HOLT PLUMBING &
HEATING, Victoria, B.C.

5th Witness NO. ZP-1552 Captain Edwin George COOMBE, Officer Commanding, Victoria Detachment, BC Area Signal Sqn, Western Command Signal Regt, R.C.C.S., having been duly sworn, states:

BEING
I am ZP-1552 Captain Edwin George COOMBE, Officer Commanding, Victoria Detachment, BC Area Signal Sqn, Western Command Signal Regt, R.C.C.S. On Friday 26 Aug 49 I was visited by Constables Byce and Constable HARRISON RCMP who stated they had located a quantity of lead sheathing which had been sold to a down-town Victoria firm. Believing it to have been taken from telephone cables and to have been stolen, they asked if I knew anything of the sale of this lead. I told them I had no knowledge of the sale but that on returning to the unit on 15 Aug 49 I had noticed that several turns of lead covered cable had been taken from one of the reels in the cable shed at Signal Centre. I asked them to make further checks with the firm to see if they could discover the identity of the person who disposed of the lead. The constables returned on Saturday morning 27 Aug 49 with receipts showing amounts of money received for sales of lead to PAULIN PLUMBING AND HEATING. One was signed by Corporal DOBISH and one by Corporal BRUNDIT and one by the name JONES. The constables asked to question Corporal DOBISH and Corporal BRUNDIT who admitted sales of lead to PAULINS. Corporal DOBISH admitted selling some lead to PITT AND HOLT and I asked the RCMP to question that firm regarding amounts and dates of sale. They later produced a cancelled cheque which had been issued in favour of Corporal DOBISH in receipt for lead. In view of these findings a charge was placed against Corporal DOBISH.

The witness was cross-examined by Cpl DOBISH as follows.

Q-1 Captain COOMBE whose signature was on the receipt for the lead sheathing?

A-1 Corporal BRUNDIT'S signature was on the receipt.

soldier in uniform who brought it to his premises in an army truck. He also produced a receipt signed by R JONES whom he said had sold him this lead. The receipt was in the amount of \$20.00 and was dated 11 Aug 49. Subsequent inquiries resulted in Constable HARRISON and myself obtaining from the accused a statement which indicated that he was responsible for the theft and disposal of government material. I submit the following statement (Statement of SK-2820 Corporal Stephen DOBISH) together with cancelled cheque from PITT AND HOLT PLUMBING AND HEATING CO, Esquimalt Road and receipt from PAULIN BROS, Government St, Victoria, B.C. which were obtained during this inquiry.

The accused declined to cross-examine.

(Sgd) *[Signature]* Constable,
Royal Canadian Mounted Police.

3rd Witness

Mr Harry Rennie PAULIN, owner of PAULINS, 1322 Government St, Victoria, B.C. ^{BEING} ~~having been~~ duly sworn, states:

I am Mr Harry Rennie PAULIN and was approached by two men who asked me if I wanted to purchase some lead. I replied in the affirmative and inquired as to the quality of the lead. I was told that it was bullet lead recovered from the ranges. I purchased the lead from these two men and had a receipt signed for same.

At a later date I was again approached by one man re the purchase of more lead and was informed that this lead was salvage ends of signal cable. This type of lead being satisfactory, I purchased same.

The witness was cross-examined by Cpl DOBISH as follows.

Q-1 You said two men approached you and you said they told you that it was salvage bullet lead.

A-1 I believe that to be correct.

Q-2 Who were the two men?

A-2 Other than the signature on the receipt, I held I do not know who they are.

(Sgd) *[Signature]* Owner,
PAULINS, Victoria, B.C.

G *J. S. Harrison* *President D.C.M.* *11*

SUMMARY OF EVIDENCE

in the case of

NO. SK-2820 Corporal Stephen DOBISH,
Victoria Detachment, BC Area Signal Sqn,
Western Command Signal Regt, R.C.C.S.
charged with

1. STEALING PUBLIC PROPERTY

The CO directs that the evidence be taken on oath.

1st Witness

NO. 15080 Constable Desmond Eugene HARRISON, Royal
Canadian Mounted Police, Being duly sworn, states:

I am No. 15080 Constable Desmond Eugene HARRISON, Royal Canadian Mounted Police. On 25 Aug 49 Constable BYCE asked me to accompany him to Work Point Barracks, Esquimalt, B.C. We met Sjt Major STEVENS who took us to see Capt COOMBE whom Constable BYCE informed that he had received information to the effect that there had been some lead in the form of sheathing from telephone cables sold to the PAULIN PLUMBING AND HEATING CO, 1323 Government St, Victoria, B.C. and it had been sold by a man in army uniform. We went back to Victoria and obtained a receipt from Mr PAULIN. The receipt was signed by the name R. JONES. Corporal BRUNDRIT later admitted that it was in his writing. After further investigation I took statements from Corporal BRUNDRIT and Corporal DOBISH on the morning of 27 Aug 49 in which they admitted selling this metal on various occasions. The statements are now in our possession. There was also a cheque made out to Corporal DOBISH from the PITT AND HOLT PLUMBING AND HEATING CO. We also received the lead sheathing from PAULIN'S PLUMBING AND HEATING CO which we now have in our possession.

The accused declined to cross-examine.

D. S. Harrison
.....Constable,
Royal Canadian Mounted Police.

2nd Witness

NO. 11016 Constable Harold Kenneth BYCE, Royal
Canadian Mounted Police, being duly sworn, states:

I am No. 11016 Constable Harold Kenneth BYCE, Royal Canadian Mounted Police stationed at Victoria, B.C. Acting on confidential information I called at the premises of PAULIN PLUMBING AND HEATING, 1323 Government St, Victoria, B.C. and found approximately 150 lbs of lead which appeared to be cable covering. I questioned Mr PAULIN regarding the origin of this material and he stated that he had bought it from a

-9-

"2"

J. Hilliard Major
President C.C.M.

Orders by BRIGADIER M.F. ROBERT BSC OBE Commanding
the BC AREA CANADIAN ARMY

District Court-Martial

SK 63145 Corporal **BRUNNIT John Robert**
BC Area Signal Sqn, Victoria Det
SK 2320 Corporal **DOBISH Stephen**
BC Area Signal Sqn, Victoria Det

25 September 1948

The detail of Officers as mentioned below will assemble

at Conference Room, Work Point Barracks on Wednesday
ESQUIMALT BC
the 25th day of September 1948 at 1030 hrs
for the purpose of trying by a District Court-Martial the accused ~~names~~ (persons)
named in the margin (and such other person or persons as may be brought before
them).

PRESIDENT

ZB 118 Major **JA HILLIARD** - RCEA (C2AA) is appointed President.

MEMBERS

ZK 767 Capt **DK BROWN** - 129 BAA Bty RCA
ZF 1667 Capt **EA LOWER** - 217 Workshop RCEHE

WAITING MEMBERS

ZP 1544 Capt **FL CAMERON** - 129 BAA Bty RCA
ZF 1606 Lt **JE ROBERTSON** - HQ Western Command

JUDGE ADVOCATE

19350 Squadron Leader **G W BROWN** is hereby
North West Air Command RCAF ~~appointed~~ appointed
Judge Advocate

PROSECUTOR

ZK 2505 Capt **CA COULL** - RCEA (C2AA) ~~is hereby~~ is hereby appointed
Prosecutor

DEFENDING OFFICER

ZC 2635 Capt **BL BUTTON** - Area Personnel ~~is hereby~~ is hereby appointed
Defending Officer **OFFICER HQ BC AREA**

The accused will be warned and all witnesses duly required to attend.

The Officer Commanding, RCEA (C2AA) will
arrange for the necessary accommodation, stationery, court orderly, escort, shorthand
writers, and interpreters.

The proceedings will be forwarded to DAAG HQ BC AREA

Signed this 25th day of September 1948

M.F.B. 220
A.F.A. 47
13M-10-12 (8802)
H.Q. 1773-39-564

M.F. Robert
MAJOR
FOR COMMANDER BC AREA
CANADIAN ARMY

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.
The Court find that the accused

W. D. T.

ANNOUNCEMENT OF FINDINGS

The Court being re-opened the accused is again brought before it.
The finding(s) is (are) read in open court and except the finding(s) of "Not Guilty" is (are) announced as being subject to confirmation.

Proceedings on Conviction before Sentence

Evidence of character, etc.

~~XX~~ 2503 Captain C. A. Coull, Royal Canadian School of Artillery (C & A A) is duly sworn.

Q.10 Question by the President. Have you any evidence to produce as to the character and particulars of service of the accused? Answer by the Witness. Yes, sir, I have MFB 355.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y", signed by the President, and annexed to the proceedings.

Q.11 Question by the President. Is the accused the person named in the statement which you have heard read? Answer by the witness. He is, sir.

Q.12 Question. Have you compared the contents of the above statement with the regimental books? Answer. Yes, sir.

Q.13 Question. Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? Answer. They are, sir.

[Instruction—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross examined by the Defending Officer (accused) (Counsel for the accused).~~ THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE

- - - In the opinion of the Court and the Judge Advocate it is not necessary to comply with R.P.
- - - THE WITNESS RESUMES HIS SEAT.

Q.14 Question to the accused. Do you wish to address the Court?

A.14 Answer. My Defending Officer will speak for me. (See attached document marked "E")
The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused No. SK 2820 Corporal Stephen DOBISH, Victoria Detachment B.C. Area Signals Squadron, Western Command Signals Regiment, Royal Canadian Signals, to be reduced to the ranks.

Sentence.
Reduction to ranks

[Handwritten signature]

Announcement of Sentence

At 1530 hours The Court being re-opened the accused is again brought before it.

The sentence (and recommendation) is ~~now~~ announced in open Court; the sentence is announced as being subject to confirmation.

Signature

Signed at Esquimalt, British Columbia,

this 28th day of September,

A.D. 1949.

[Handwritten signature]
Judge Advocate

[Handwritten signature]
President

Confirmation

Confirmed
Vancouver BC

Signed at

this 5th day of October

A.D. 1949.

[Handwritten signature]
a/cmd BC Ana.

Promulgation

Promulgation and extracts taken at

Esquimalt, BC

this fifteenth day of October

A.D. 1949.

[Handwritten signature]

Extracts entered as No. 47144 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 16th day of 1949

(This page to be removed from proceedings when plea to all charges is Not Guilty.)

CC

Proceedings on Plea of Guilty

*To be struck out in case no plea of "Not Guilty" has been proceeded with.

~~*The Court having been re opened, the accused is again brought before it, and the charge to which he has pleaded "Guilty" read to him again.]~~

The accused **No. SK 2820 Corporal Stephen Dobish, Victoria Detachment B.C. Area Signals Squadron, Western Command Signals Regiment, RCS,** is found guilty of **both charges.**

Q.6 Question to the accused.

Do you wish to make any statement in reference to the charge(s)?

A.6 Answer.

No, sir.

~~The accused in reference to the charge(s) says:—~~

[or hands in a written statement, which is read, marked, signed by the President, and attached to the proceedings.]

~~*The summary (or abstract) of evidence is read, marked "G" signed by the President, and attached to the proceedings.~~

Instruction.

*If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

DD

Q.7
A.7

Do you wish to make any statement in mitigation of punishment?

Question to the accused.

I wish my Defending Officer to speak for me later on, sir.

~~The accused in mitigation of punishment says:—
(or hands in a written statement, which is read, marked
by the President, and attached to the proceedings) ✓~~

Answer.

G. W. A.

Q.8

Do you wish to give evidence yourself or to call any witnesses as to character?

Question to the accused.

A.8

I wish to call Captain Coombe to give character evidence, sir.

Answer.

First Witness) ZP 1552 Captain Edwin George Coombe, Victoria Detachment B.C.
as to) Area Signals Squadron, Western Command Signals Regiment, R.C.C.S.
Character) being duly sworn, is examined by the Defending Officer.

Evidence as to character.

Q.9

Captain Coombe, will you tell the Court in your own words please what you know of the character and reputation of the accused, Corporal Dobish?

A.9

I have known Corporal Dobish since May 1947, and I have always found him to be a good soldier, very willing and conscientious. He is a good tradesman and has willingly turned in a good job of work on every occasion. I would be pleased to have him serve with me at any time. During the period I have known Corporal Dobish his conduct sheet has been absolutely clear.

THE PROSECUTOR DECLINES TO CROSS-EXAMINE.

- - - In the opinion of the Court and the Judge-Advocate it is not necessary to comply with R.P.83(B).

- - - THE WITNESS WITHDRAWS.

G. W. A.

HQC 55-D-1887 (JAG/O)

XXXX

THE OFFICE OF THE JUDGE ADVOCATE GENERAL

November 21st, 1949.

Headquarters,
Central Command,
Ortona Barracks,
OAKVILLE, Ontario.

District Court-Martial
SB 153672 Pte John Noble DOOHAN
The Royal Canadian Regiment

Receipt is acknowledged of your
CC/SB 153672 (J) dated 15th November, 1949,
enclosing proceedings of the marginally
noted District Court Martial.

2. The proceedings were entered in
our records as No. 47150 on 19th November,
1949.

*Recorded.
22 Nov. 49
A. Campbell*

*NOTED
Comments Dept
for 18th Nov
22 9/49*

Local 2891

W.M.W.S
(W.M.W. Shaw) Lt.-Col.
for Judge Advocate General.

H.Q. C:55-D-1887
M.D.

MEMORANDUM - DISTRICT COURT-MARTIAL



No. SB 153672 Name DOCHAN, John Noble

Rank Pte. Unit The Royal Canadian Regiment

Charge AA 15(1) -- Absenting Himself Without Leave -- absent from 1815 hrs
5 Apr 49 to 1245 hrs 13 Sep 49 (Surrendered) \$4.53 ~~st~~

Date of Crime 5 April 1949

Date of Arrest 16 September 1949 Charge Signed 6 October 1949

Orders for D.C.M. 13 October 1949

Place and Date of Trial Brockville, Ontario, 18 October 1949

Sentence Fifty-Six Days Detention; Stoppages \$4.53

Date of Confirmation 26 October 1949

Date of Promulgation 3 November 1949

Entered in Records of J.A.G. as No. 47150

Date 19 November 1949

MEMO Accused found guilty of charge

W.M.W.

(W. M. W. Shaw)
Lt. Col.
DJAG

NOV 19 1949

for Judge Advocate-General

CC/SB 153672 (J)

HEADQUARTERS CENTRAL COMMAND

Ortona Barracks,
OAKVILLE, Ontario.

15 NOV 49

..... REGISTERED

Office of the Judge Advocate General, Ref-
Dept. of National Defence,
OTTAWA, Ontario.

NOV 18 1949
file no. <i>255-2-1887</i>
Chgd to.....

DISTRICT COURT - MARTIAL
SB 153672 Pte John Noble DOOHAN
The Royal Canadian Regiment

Herewith the marginally-noted District Court-Martial proceedings, for registration and custody. No further administrative action is deemed necessary by this Headquarters, except a delay report has been requested.

2 It will be noted the Minute of Confirmation is incomplete. HQ Eastern Ontario Area has been instructed to complete Minutes of Confirmation in accordance with your direction dated 8 Nov 49.

Enc.

J. C. Wokes
(C. Wokes) Major-General
G.O.C., Central Command

PROCEEDINGS

of a

DISTRICT COURT-MARTIAL

held at The Royal Canadian Regiment

Brockville Ontario

on 18 Oct 49

in the case of

SB 153672 Pte John Noble DOOHAN

The Royal Canadian Regiment

MEDICAL OFFICER'S REPORT

*Letting the
President O.C.*

I certify that No. SB.153672 PTE DOOHAN J.H.
of The R.C.R. is in a fit state of health,
and able to undergo Trial by Court martial.

J.W. McDougall
Medical Officer
(J.W. McDOUGALL) M.D.

Station Brockville, Ontario

Date 18 Oct 49

M. F. B. 246

MM-9-41 (507)
HQ 1773-39-480

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for General and District Courts-Martial

Proceedings of a District Court-Martial held at The Royal Canadian Regiment, Brockville, Ontario, on the 18th day of October 19 49 by order of Brigadier G Walsh CBE DSO Commanding the Eastern Ontario Area, dated the 13th day of October 19 49

ZP 1795 Major G L Lodge RCEME School

President.

ZP 1244 Capt E J M Hughes RCASC 3 Coy RCASC

Members.

ZB 3156 Capt F R Pratten RC Sigs RCS of Sigs

ZD 3046 Maj J T Loranger RCA Office of the JAG, AHQ

Judge Advocate.

Trial of* SB 153672 Private John Noble DOCHAN, The Royal Canadian Regiment.

The order convening the Court, the charge-sheet and the summary (striking out) of evidence are laid before the Court.

The Court satisfy themselves that _____ is not available to serve owing to _____

_____ waiting member takes his place as a member of the Court.

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.*

The accused is brought before the Court.

Prosecutor, † ZC 3120 Lieut L W G Hayes RCIC The Royal Canadian Regiment

Defending officer † ZC 655 Lt P A Labelle RCIC The Royal Canadian Regiment

At 1015 hours the Trial commences.

The order convening the Court is read, and is marked signed by the President, and attached to the proceedings. X

The names of the President and members of the Court are read over in the hearing of the accused, _____

Question by the President to the accused.

1 Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A 1 No, sir.

Answer by accused.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

*Here insert No., Rank, full Name, Unit, Attachment (if any), and Appointment (if any).

† Here state Rank and Name, Unit (if any), and Attachment (if any).

‡ Qualification to be stated.

(Strike out and initial when not applicable.) CAFB 271 3M-3-49 (2000) H.Q. 224-21-B-271

*I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charge ~~charges~~ before the Court-Martial.

(1)

Signature of President

B

The President, members and judge-advocate are duly sworn.

Q 2 Do you object to F/Sgt JC Allen acting as shorthand writer? Answer No, sir.

Question to the accused.

22236 F/Sgt JC Allen, TCHQ, RCAF, Trenton, Ontario, is duly sworn as shorthand writer.

~~The following officers under instruction, having been duly detailed, are duly sworn.~~

Charge-Sheet

Instruction.
If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon the ~~first~~ charge in the above-mentioned charge-sheet.

Q 3 Is that your number, rank, name and unit?

Question to the accused.

Yes, sir.

Answer.

Q 4 Are you guilty or not guilty of the ~~first~~ charge against you, which you have heard read?

Question to the accused.

Guilty, sir.

Answer.

~~Are you guilty or not guilty of the second charge against you, which you have heard read?~~

~~Question~~

~~Answer.~~

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~

~~Question.~~

~~Answer.~~

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~

~~Question.~~

~~Answer.~~

The accused having pleaded Guilty to the charge, the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge.

Instruction.

B² 3

*Charge alleged
Precedent DCM.*

CHARGE SHEET

The accused, SB 153672 Private John Noble DOOHAN,
The Royal Canadian Regiment, a soldier of the Canadian Army
(Active Force) is charged with:

Charge
Sec 15 (1)
Army Act

ABSENTING HIMSELF WITHOUT LEAVE

in that he

at Brockville, Ontario at 1815 hrs 5 APR 49 absented himself
without leave from The Royal Canadian Regiment until he
surrendered himself to civil authorities in Hamilton, Ontario
at 1245 hrs 16 SEP 49. Total time absent 163 days, 18 hrs
and 30 minutes. Cost of apprehension and return to his Corps
\$4.53.

P R Bingham
(P R BINGHAM) Lt. Colonel
Commanding,
THE ROYAL CANADIAN REGIMENT

BROCKVILLE, Ontario

6 OCT 49.

TO BE TRIED BY DISTRICT COURT-MARTIAL

P G Walsh
(P G Walsh) Brigadier
Commander
Eastern Ontario Area

KINGSTON Ontario

13 OCT 49

(This page to be removed from proceedings when plea to all charges is Not Guilty.)

CC

E. Hodge Mayo
President CCM

Proceedings on Plea of Guilty

*To be struck out in case no plea of "Not Guilty" has been proceeded with.

~~*The Court having been re-opened, the accused is again brought before it, and the charge to which he has pleaded "Guilty" read to him again.~~ *JK*

The accused SB 153672 Private John Noble DOOHAN, The Royal Canadian Regiment, is found guilty of the charge.

Question to the accused. Q 5

Do you wish to make any statement in reference to the charge(s)?

DEFENDING OFFICER: Yes, sir, the accused wishes to make a statement under oath, sir.

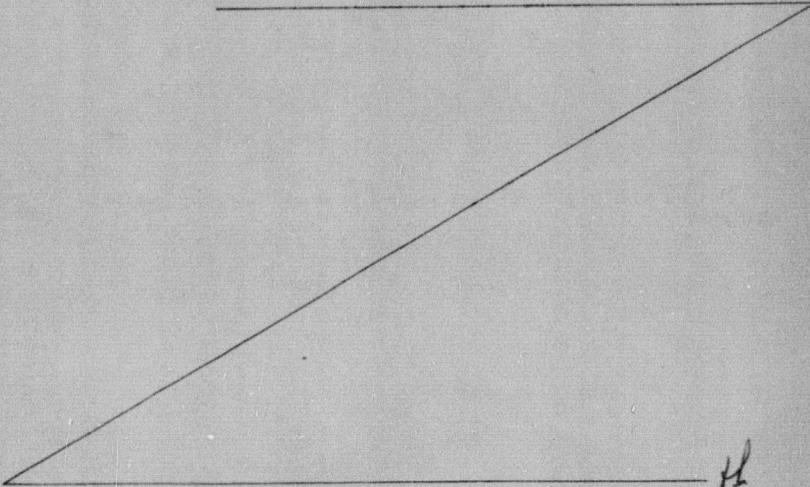
JUDGE ADVOCATE: He wishes to make a statement under oath?

Answer.

~~The accused in reference to the charge(s) says~~ *JK*

DEFENDING OFFICER: Yes, sir. May the statement be presented after the prosecution presents its evidence.

~~[exhibits in written statement which is read marked xxx, signed by the President, and attached to the proceedings.]~~ *JK*



*The summary ~~(or abstract)~~ of evidence is read, marked "G" *H*
JK
signed by the President, and attached to the proceedings.

Instruction.

*If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

DD

Do you wish to make any statement in mitigation of punishment?

Question to the accused.

Y. Ho

The accused in mitigation of punishment says:—
(or hands in a written statement, which is read, marked , signed Answer.
by the President, and attached to the proceedings)

PRESIDENT: Accused, you may now make a statement or call witnesses, or offer a statement in mitigation.

DEFENDING OFFICER: Before the accused makes his statement, may the Prosecutor be sworn in as a witness and offer MFB 355.

(Prosecutor sworn as a witness; see page 7)

Do you wish to give evidence yourself or to call any witnesses as to character?

th
Question to the accused.

Answer.

Evidence as to character.

Schodde Oliver
President DCA

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused

46

ANNOUNCEMENT OF FINDINGS

The Court being re-opened the accused is again brought before it.

The finding(s) is (are) read in open court and except the finding(s) of "Not Guilty" is (are) announced as being subject to confirmation.

Proceedings on Conviction before Sentence

- Evidence of character, etc. ZC 3120 Lieut L W G Hayes RCIC The Royal Canadian Regiment is duly sworn.
- Question by the President. 6 Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* Yes, sir, I wish to produce MPB 355 and the MFM 6. Statement as to the Character and Particulars of Service of the Accused. MPB 355. The above statement/[with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "R", signed by the President, and annexed to the proceedings.
- Question by the President. 7 Is the accused the person named in the statement which you have heard just read? *Answer by the witness.* Yes, sir. 46
- Question. 8 Have you compared the contents of the above statement with the regimental books? *Answer.* I have, sir.
- Question. 9 Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* Yes, sir. The Defending Officer declines to cross-examine the witness.
- [Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must enquire into the nature and amount of that additional punishment.]
- Cross-examined by the Defending Officer (accused) (Counsel for the accused). WITNESS: Now then, I would like to produce MFM 6, No. SB153672 Doohan, JN... (The above statement is read, marked "Z", signed by the President, and annexed to the proceedings.) THE WITNESS RESUMES HIS SEAT. In the opinion of the Court and the Judge Advocate it is not necessary to comply with the provisions of EP83(B)
- Question to the accused. 10 Do you wish to address the Court? DEFENDING OFFICER: The accused is now prepared to make his statement under oath. (See Document marked "L" attached)
- Answer. A 11 Do you wish to address the Court in mitigation? DEFENDING OFFICER: Yes, sir, I will. (The Defending Officer reads ~~The Court is closed for the consideration of the sentence.~~ plea of mitigation, which is handed in, marked "K", signed by the President and attached to the proceedings.) The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused SB 153672 Private John Noble DOOHAN, The Royal Canadian Regiment, to undergo detention for fifty-six days and to be put under stoppages of pay until he has made good the sum of \$4.53 in respect of his cost of apprehension and return to his Corps.

Sentence.
(Detention
(for 56 days
(and
(Stoppages.

(To forfeit one hundred and ninety-six (196) days' pay.)

Announcement of Sentence

The Court being re-opened the accused is again brought before it.

The sentence ~~is hereby confirmed~~ is th ~~is~~ th announced in open Court; the sentence is announced as being subject to confirmation.

Signature

Signed at Brockville, Ontario,

this 18th day of October

A.D. 1949 .

EXTRACTS entered on REG 47150 in the Record of Courts-Martial kept in the office of the Judge Advocate-General at Kingston on 26th day of Oct 1949

Jean D. Lavigne
Judge Advocate

S. Chodoff
President

Confirmation

Signed at Kingston

this 26 day of October

A.D. 1949.

Walter King

Promulgation

Promulgation and extracts taken at *Peterborough, Ontario*,
this *third* day of *November* A.D. 1949

[Signature]
Capt

*Sheridge alleged
President D.C.M.*

Orders by Brigadier G. Walsh, CBE DSO Commanding
the Eastern Ontario Area

District Court-Martial

SB 153672 Private John Noble DOOHAN
The Royal Canadian Regiment

13th OCTOBER 1949

The detail of Officers as mentioned below will assemble

at The Royal Canadian Regiment on Tuesday
Brockville Ontario

the 13th day of October 1949 at 1000 hours
for the purpose of trying by a District Court-Martial the accused person (persons)
named in the margin (and such other person or persons as may be brought before
them).

PRESIDENT

ZP 1795 Major G L Lodge RCEME
RCEME School is appointed President.

MEMBERS

ZP 1244 Capt E J M Hughes RCASC
3 Coy RCASC
ZB 3156 Capt F R Pratten RC Sigs
RCS of Sigs

WAITING MEMBERS

ZL 560 Capt J E P W Lafleur RCIC
The Royal Canadian Regiment
ZD 691 Lieut W T M Edwards RCIC
The Royal Canadian Regiment

JUDGE ADVOCATE

ZD 3046 Maj J T Loranger RCA
Office of the JAG, AHQ ~~RCIC~~ (is hereby) appointed
Judge Advocate.

PROSECUTOR

ZC 3120 Lieut L W G Hayes RCIC ~~RCIC~~ (is hereby) appointed
Prosecutor. The Royal Canadian Regiment

DEFENDING OFFICER

ZC 655 Lt P A Labelle RCIC ~~RCIC~~ (is hereby) appointed
~~RCIC~~ ~~RCIC~~ (is hereby) appointed
Defending Officer. The Royal Canadian Regiment

The accused will be warned and all witnesses duly required to attend.

The Officer Commanding, The Royal Canadian Regiment will
arrange for the necessary accommodation, stationery, court orderly, escort, shorthand
writers, and interpreters.

The proceedings will be forwarded to HQ E Ont Area

Signed this 13th day of October 1949

M.F.B. 220
A.F.A. 47
25M-7-43 (1152)
H.Q. 1373-39-264

G Walsh
(G Walsh) Brigadier
Commander
Eastern Ontario Area

*Witnessed by
President DCA*

SUMMARY OF EVIDENCE

in the case of

SB 153672 Private John Noble DOOHAN, The Royal Canadian Regiment, a soldier of the Canadian Army (Active Force).

CHARGE:

ABSENCE WITHOUT LEAVE

The Commanding Officer directs that all evidence be taken on oath.

FIRST WITNESS

ZP 1157 Captain J A Johnston, The Royal Canadian Regiment having been duly sworn states:

I am the Adjutant of The Royal Canadian Regiment, Canadian Army (Active Force) and have been since 16 JUL 49. As Adjutant, I have the custody of the Regimental books of the unit and the documents of the accused whom I now recognize as SB 153672 Pte John Noble DOOHAN, The Royal Canadian Regiment, Canadian Army (Active Force).

I produce the following documents all referring to the accused, Pte DOOHAN.

- (1) MFB 375, being certified true copy of the Record of the Court of Inquiry inquiring into the absence of the accused, and duly certified by me as Adjutant and officer having custody of the original documents.
- (2) Certificate of apprehension of the accused in accordance with AA Section 163 (1) (m) purporting to be signed by Detective Sgt Withum, Officer IC Hamilton Police Station.
- (3) Certified true copies of Part II Orders No 37 dated 11 APR 49, No 40 dated 19 APR 49, No 48 dated 28 APR 49, No 53 dated 6 MAY 49 and No 105 dated 30 SEP 49 reflecting ANL entries and cost of apprehension of the accused.

MFB 375 is marked as "A"; Certificate of Apprehension is marked as "B"; and certified true copies of Part II Orders of The Royal Canadian Regiment are marked as "C" signed by the officer taking the Summary of Evidence and attached to the Summary of Evidence.

The accused declined to cross-examine.

J A Johnston Capt
(J A JOHNSTON) Captain
Adjutant,
THE ROYAL CANADIAN REGIMENT

QUESTIONS TO THE ACCUSED:

"Do you wish to make any statement or to give any evidence upon oath? You are not obliged to say anything or give any 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."

Appendix "A"

(L. W. HILES)

Lt.

RECORD of the Declaration of a Court of Inquiry assembled at

Brockville, Ontario

on the 28th day of April

19 49, for the purpose of investigating

and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition,

Equipments, Instruments, Regimental Necessaries, or Clothing of No. SB 153672 Pte DOOHAN J N

DECLARATION

The Court declare that No. SB 153672 Pte DOOHAN John Noble, The

Royal Canadian Regiment, Cdn Army (AF)

(Reg't No.)

(Rank)

(Full Name)

(Unit)

illegally absented himself without leave from The Royal Canadian Regiment,

at Brockville at 18 1/2 hours on the 5th day of April 1949

(Place)

that he is still so absent, and that on the 28th April 49 he was deficient, and that he is still deficient of the following articles:-

ARTICLES		VALUE		ARTICLES		VALUE	
Overalls Comb prs	1	2	32	Shoes Gym TS	1		98
Blouses ED	2	13	00	Boots Ankle prs	1	5	52
Drawers Wollen prs	2	2	80	Shirts KC	3	8	61
Shirts Wollen	1	2	40	Shoes Leather Black	1	4	84
Socks Army prs	1		44	Brushed Boot Pol	1		21
Brushes Button	1		11	Brushes Cloth	1		17
Brushes Hair	1		17	Brushes Shaving	1		39
Brushes Tooth	1		09	Combs Hair	1		04
Holdalls	1		22	Housewife	1		35
Necktie Black	1		18	Razor S Set	1		43
Socks Black prs	1		26	Blades	2		
Sticks Button	1		04	Badges Cap RCR	1		07
Towel Hand	1		31				

ZA 3219 Lt A S J BAKE RCR President

(Name)

(Rank)

(Unit)

Signed at Brockville, Ontario Sole Member Member

(Name)

(Rank)

(Unit)

this 3rd day of May 19 49 Member

(Name)

(Rank)

(Unit)

Signature of Commanding Officer R G LIDDELL Major

(Name)

(Rank)

(Unit)

Certified true copy (J. A. JOHNSON) Capt & Adjt RCR Cdn Army (AF)

(Name)

(Rank)

(Unit)

(Signature of Officer having custody of original record)

M.F.B. 375

A.F.B. 115

150M-10-42 (6530)

H.Q. 1772-39-257

Elbridge Allen
President DCM

Certificate in accordance with Section 163 (1) (m) of the Army Act

I certify that the person whose description is given below ~~xxx~~

~~xxxxxx~~ ^{has} surrendered) at HAMILTON Ont (Place), at 12.45 Hrs (Hour)

on the 16th day of September, 1949

Regimental particulars of Officer or (NO. SB-153672.....
soldier referred to above

(Rank... Pte.....

(Name... DOOHAN, John Noble....

(Unit... R.C.R.....

(Age... 20 yrs.....

(Height... 5' 10".....

(Complexion... Medium.....

Description

(Hair... Black.....

(Eyes... Blue.....

(Marks... Tattoo right forearm.

Signature of officer of police in charge of police station where the above-named person was taken, or placed in custody, on arrest or surrender

W. Withum

(In Charge of Det. Sgt WITHUM.

Police Station)
Hamilton City Police.

*Schultz, Major
President 10th*

CERTIFICATE IN ACCORDANCE WITH SECTION 163 (1)(m) OF THE ARMY ACT

I certify that the person whose description is given below was
surrendered HAMILTON, Ont at 12.45 on the 16th
day of September...19..49
(Place) (Hour)

Regimental particulars of the officer (No. SB 153672
or soldier referred to above

(Rank. Pte
(Name. DOOHAN John Noble
(Unit. R.C.R.
(Age. 20 years
(Height. 5' 10"
(Complexion. Medium
(Hair. Black
(Eyes. Blue
(Marks. Tattoo right Forearm

Signature of officer of police in charge
of police station where the above-named
person was taken, or placed in custody,
on arrest or surrender.

(Sgd) ???WITNUM
Det Sgt WITNUM
Hamilton City Police

Certified True Copy

J.A. Johnston Capt
(J.A. JOHNSTON) Captain
Adjutant,
THE ROYAL CANADIAN REGIMENT

BROCKVILLE, Ontario
5 OCT 49

Appendix "B"

L.N. Hayes Lt
(L.N. HAYES) Lt.
Officer Detailed to Prepare
Summary of Evidence
THE ROYAL CANADIAN REGIMENT

Appendix "C"

PART II ORDERS

BY

Lt. Colonel P R BINGHAM
THE ROYAL CANADIAN REGIMENT
CANADIAN ARMY (AF)

(L W H HAYES) Lt.
THE ROYAL CANADIAN REGIMENT

Order No 37,
dated 11 APR 49,
BROCKVILLE, Ontario.

(Last Order Issued No 36 d/8 APR 49)

7. ABSENT WITHOUT LEAVE

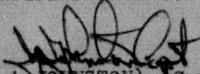
(b) AWL from 1815 hrs

SB 153672 PTE DOOHAN J M RCIC 5 APR 49

(Sgd) W T M EDWARDS Lt

for (E R FRIEL) Capt & Adjt
THE ROYAL CANADIAN REGIMENT

CERTIFIED TRUE COPY


(J A JOHNSTON) Capt & Adjt
THE ROYAL CANADIAN REGIMENT
BROCKVILLE, Ontario..

5 OCT 49

PART II ORDERS

VY

Lt. Colonel P R BINGHAM
THE ROYAL CANADIAN REGIMENT
CANADIAN ARMY (AF)

Order No 40,
d/19 APR 49,
BROCKVILLE, Ontario.

(Last Order No 39 d/13 APR 49)

6. ABSENT WITHOUT LEAVE

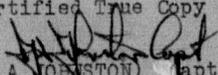
(c) Still absent 1815 hrs (8th day)

SB 153672 PTE DOOHAN J M RCIC 13 APR 49

(Sgd) E R FRIEL

(E R FRIEL) Capt & Adjt
THE ROYAL CANADIAN REGIMENT
BROCKVILLE, Ontario.

Certified True Copy


(J A JOHNSTON) Capt & Adjt
THE ROYAL CANADIAN REGIMENT
BROCKVILLE, Ontario

5 OCT 49

PART II ORDERS

BY

Lt. Colonel P R BINGHAM
THE ROYAL CANADIAN REGIMENT
CANADIAN ARMY (AF)

Order No 48,
dated 28 APR 49,
BROCKVILLE, Ontario.

(Last Order Issued No 47 d/27 APR 49)

6. ABSENT WITHOUT LEAVE

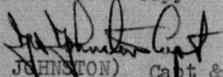
(a) Still absent 1815 hrs (22nd day)

SB 153672 PTE DOOHAN J M RCIC 27 APR 49

(Sgd) E R FRIEL

(E R FRIEL) Capt & Adjt
THE ROYAL CANADIAN REGIMENT
BROCKVILLE, Ontario.

Certified True Copy


(J A JOHNSTON) Capt & Adjt
THE ROYAL CANADIAN REGIMENT
BROCKVILLE, Ontario.

5 OCT 49

PART II ORDERS

BY

Lt. Colonel P R BINGHAM
THE ROYAL CANADIAN REGIMENT
CANADIAN ARMY (AF)

Order No 53,
dated 6 MAY 49,
BROCKVILLE, Ontario.

(Last Order Issued No 52 d/4 MAY 49)

10. STRENGTH DECREASE

(a) SOS deserter having been illegally absent from
1815 hrs 5 PAR 49 by a Ct of Inv held 28 APR 49. Kit
deficiencies to the amount of \$14.14.

SB 153672 PTE DOOHAN J N RCIC 28 APR 49

(Sgd) J A JOHNSTON Capt

for (E R FRIEL) Capt & Adjt
THE ROYAL CANADIAN REGIMENT
BROCKVILLE, Ontario.

Certified True Copy

J A Johnston Capt
(J A JOHNSTON) Capt & Adjt
THE ROYAL CANADIAN REGIMENT
BROCKVILLE, Ontario

5 OCT 49.

PART II ORDERS

BY

Lt. Colonel P R BINGHAM
THE ROYAL CANADIAN REGIMENT
CANADIAN ARMY (AF)

Order No 105,
dated 30 SEP 49,
BROCKVILLE, Ontario.

STRENGTH INCREASE

Having been SOS The Royal Canadian Regiment by Ct of Inq
28 APR 49 TOS Regimental Rate of Pay Pte (On Entry)
on surrendering to Civil Authorities at Hamilton, Ontario.
Cost of Apprehension

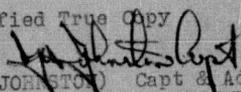
Ticket Toronto to Brockville	\$4.53
TOTAL Cost of apprehension	\$4.53

SB 153672 PTE DOCHAN J N RCIC 16 SEP 49

(Sgd) J A JOHNSTON

(J A JOHNSTON) Capt & Adjt
THE ROYAL CANADIAN REGIMENT
BROCKVILLE, Ontario.

Certified True Copy


(J A JOHNSTON) Capt & Adjt
THE ROYAL CANADIAN REGIMENT
BROCKVILLE, Ontario.

The accused, SB 153672 Private John Noble DOCHAN, The Royal Canadian Regiment, being duly sworn, states:

Sir, I joined the Canadian Army, Active Force, on the 7th day of January 1949. I went to Camp Borden for approximately three months. After my training at Camp Borden I came to The Royal Canadian Regiment. I was very well satisfied with the Regiment and the Canadian Army and I planned on making it a career. While serving with the Royal Canadian Regiment I was granted a pass for the purpose of going to Hamilton, Ontario. While on my week-end pass I was informed of my girl friend's trouble. Over this trouble I was a day late returning from pass. I was paraded in front of my Company Commander and was awarded five days' CB. Immediately afterwards I was granted an interview with the Officer Commanding my Company, Major Freeman, whom I informed of my trouble, which I am going to tell this Court. Major Freeman informed me that the proper thing to do was to get a recommendation from the priest and make an appointment for an interview with the personnel selection officer. Major Freeman also informed me that it would take approximately three months for my discharge to come through. I remained in the Camp for approximately one week training. I could not concentrate on my training with the worries on my mind. On April the 5th I was finally forced to go AWOL. I returned to my home in Hamilton, Ontario, to work and went to work in Hamilton, Ontario, driving a truck and paid my mother for my girl friend's support. Sir, in my girl friend's family there are five children. My girl friend's mother is working and trying to support them, because if she is not capable of supporting them they will be taken away from her by the Children's Aid. Their father left them in approximately 1945. Afterwards the children were all placed under the care of the Children's Aid Society. The Children's Aid Society found out about my girl friend's condition and informed her mother that she would be placed in a reform institution until she was 21 years of age if there was going to be nothing done about it. She is my wife now and is still only 17 years of age. Sir, I love the girl and thought it was my duty to marry her to save her character and also to give the child parents and a home. Sir, she is a good girl and I realized it was my fault she got into trouble so I stayed AWOL until we could get married. Sir, the reason for my not returning sooner, because she had to locate her father to get his consent before we could get married. Her father has been away for approximately four years and as such I found out that according to the law he would have to be absent for either over five or seven years before she could get married without his consent. It wasn't until early in September that we contacted her father through his people. We obtained his permission and were married in St. Patrick's Church in Hamilton, Ontario, on the 12th day of September '49. After we were married and I got her settled down I realized that I had a lot of responsibility and expense so on the 16th of September 1949 I surrendered myself to Detective-Sergeant Withum of Hamilton City Police Force so I could come back and get it all over with and be able to settle down for good. Sir, I like the Army and The Royal Canadian Regiment and would be very happy if I could carry on soldiering, if I could receive the money to support my wife and child. My wife is seven months' pregnant now and she is not in very good health.

DEFENDING OFFICER:

As well as the statement, the accused has...certificate of marriage and a letter from the Children's Aid Society which he would like to produce to the Court as evidence.

15
W. H. H. H. H.
President

WITNESS:

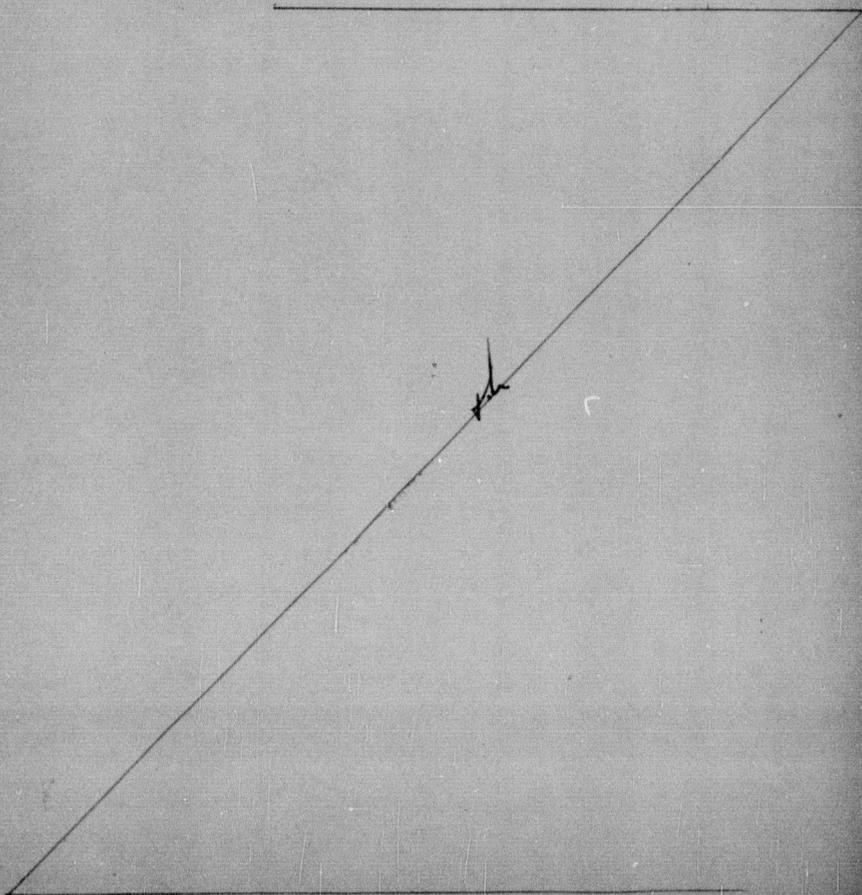
Children's Aid Society of Hamilton, Ontario. Attention of Miss H. Miles. October 14th, 1949. To whom it may concern. On January the 16th 1946 the above-named girl was committed to the care of our Society from juvenile court for placement and supervision. The Committal Order is an indefinite one and can be terminated at any time should the Society see fit. It is terminated automatically when the girl reaches 21 years of age or marries. Yours sincerely, C.H. Vinnels, Managing Director.

THE PROSECUTOR DECLINES TO CROSS-EXAMINE

(Statement by the accused, letter from the Children's Aid Society, and marriage certificate of the accused, are produced to the Court. The statement by the accused and letter from the Children's Aid Society are marked "I" and "J" respectively, signed by the President and attached to the proceedings. The marriage certificate is returned to the accused.)

In the opinion of the Court and the Judge Advocate it is not necessary to comply with the provisions of RP 83(B).

THE WITNESS RESUMES HIS SEAT



*S. Lodge Major
President D.C.*

STATEMENT BY THE ACCUSED

Sir, I joined the Canadian Army (AF) on the 7th day of January 1949. I went to Camp Borden for approximately three months. After my training at Camp Borden, I came to the Royal Canadian Regiment. I was very well satisfied with the Regiment and the Canadian Army, and I planned on making it a career.

While serving with the Royal Canadian Regiment I was granted pass for the purpose of going to Hamilton, Ontario. While on my week-end pass, I was informed of my girl friend's trouble. Over this trouble I was away late returning from pass. I was paraded in front of my Company Commander and was awarded 5 days CB. Immediately afterwards, I was granted an interview with the Officer Commanding my Company, Major Freeman, whom I informed of my trouble, which I am going to tell this court. Major Freeman informed me that that proper thing to do was to get a recommendation from the priest and make an appointment for an interview with the Personnel Selection Officer. Major Freeman also informed me that it would take approximately three months for my discharge to come through. I remained in the camp for approximately one week training, I could not concentrate on my training with the worries on my mind. On April the 5th I was finally forced to get A.W.O.L. I returned to my home in Hamilton Ontario and took my girl friend to my home to live until we could get married. I went to work in Hamilton Ontario driving a truck and paid my mother for my girl friend's support.

Sir, in my girl friend's family there are five children. My girl friend's mother is working and trying to support them, because if she is not capable of supporting them they will be taken away from her by the Children's Aid. Their father left them in approximately 1945. Afterwards the children were all placed under the care of the Children's Aid Society. The Children's Aid Society found out about my girl friend's condition and informed her mother that she would be placed in a Reform Institution until she was 21 years of age if there was going to be nothing done about it. She is my wife now and is still only 17 years of age.

Sir, I love the girl and thought it was my duty to ~~am~~ marry her to ~~save~~ save her character and also to give the child parents and a home. Sir, She is aggod girl and I realized it was my fault that she got into trouble so I stayed A.W.O.L. until we could get married. Sir, the reason for me not returning sooner was that she had to locate her father, to get his consent before we could get married. Her father has been away for approximately four years, and as such, I found out that according to the law he would have to be absent for ~~more~~ either over five or seven years before she could get married without his consent. It wasn't until early in September that we contacted her father through his people. We obtained his permission and were married in St. Patrick's Church in Hamilton, Ontario on the 12th of September 1949. After we were married and I got her settled down I realized that I had a lot of responsibility and expense so on 16th of September 1949 I surrendered myself to Det-Sgt Whittam of the Hamilton City Police Force so that I could come back and get it all over with and be able to settle down for good. Sir, I like the army and The Royal Canadian Regiment and would be very happy if I could carry on soldiering, if I could receive the money to support my wife and child. My wife is seven months pregnant now and she is not in very good health.

First President
RUSSELL LOVE

President
HUGH F. BROWN

Treasurer
JOHN L. COBURN

J. Edward Miley 19
President
Inspector
EDWARD I. BURNS

Vice-Presidents
H. P. NICHOLS E. A. BOTTRILL MRS. A. M. JAGGER



The Children's Aid Society of Hamilton

Inc.

ADDRESS ALL CORRESPONDENCE
TO MANAGING DIRECTOR
C. H. VINNELS

HAMILTON, ONTARIO

ATTENTION OF: Miss H. Miles.

October 14, 1949.

To Whom It May Concern:

Re: Bernice (Lambert) Dohan,
born March 23, 1932.

On January 16th, 1946, the above-named girl was committed to the care of our Society from Juvenile Court, for placement and supervision.

The committal order is an indefinite one and can be terminated at any time should the Society see fit. It is terminated automatically when the girl reaches twenty-one years of age or marries.

Yours sincerely,

C. H. Vinnels,
Managing Director.

EM/MF

K. 21
Schwarz, C. J.
President UCM

PLEA OF MITIGATION

The court has heard the statement made by the accused. The accused realizes full well that he is not justified in having gone absent for the reasons that he has stated but feels that his reasons warrant a certain degree of leniency.

It is quite understandable that a man of his age and with as little service as he has should resort to going absent to settle his problems, because in his short service he would not be able to appreciate that had he put up his case properly to his company commander he would quite likely have been granted compassionate leave long enough to enable him to look after this girl whom he got into trouble.

However the harm has been done, and the court should consider the statement made under oath by the accused and give him credit for the manner in which he conducted himself as a man in getting his girl friend to live at his home, supporting her and looking for her father until he could be found to obtain his permission to be married.

Under normal circumstances had this girl's family not been separated in the manner in which it was the accused would not have felt that he had to be absent to look after the girl or wait the length of time he did to marry her. He quite likely would have been able to obtain normal leave to do the right thing by the girl without resorting to absence to get his personal affairs straightened out.

Consideration should be given the accused in that he has suffered mentally since he absented himself and much more so since he ~~xxxxxxx~~ surrendered for fear that he won't be able to take the proper care of his family.

I ask on behalf of the accused that the circumstances leading up to his absenting himself be weighed carefully and leniency be shown him in view of the circumstances leading up to this final outcome.

*He has been in some amount
for approximately 2 1/2 days now and that this
should be considered in arriving at a decision.*

No. B15367 Name DOOHAN JH

Sqn., Battery, or Company

Corps RCIC

No. and date of last drunk

Period not reckoning towards freedom from extra fine

Date of enlistment } 7 JAN 4 G.C. Badges

Sheet No. 1 Signature O.C. Company, etc.

Tradesmen's Rates of Pay } M.F. 121222 CM

783M-12-48 (7837)
H.O. 1772-39-1652

Character EXHIBIT

Chubb Major

M.F. 121222 CM

By whom awarded

Date of award or of order dispensing with trial

Punishment awarded

Names of Witnesses

OFFENCE

Case of drunkenness

Rank

Date of offence

Place

AA Sec 15 (1) AWL from 0800 hrs
28 Mar 49 until 0630 hrs 30 Mar 49
TOTAL TIME ABSENT 1 dy 22 hrs
30 mins.

Pte
Mar 49

Brockville,
Ontario.

30 Mar 49

5 dys C.B.

SG 6885 CPL
COLLINS G F

49

MAJ W A
PRESTON

Forf 2 dys
Pay under P&A
(Army) Para
286 (m)

Remarks

Certified true copy as of 18 OCT 49

[Signature]
(J. A. TONKIN)
ADJUTANT CAPTAIN

THE ROYAL CANADIAN REGIMENT

(P.T.O.)

H.Q.C.55-D-1888(JAG/O)

Office of the Judge Advocate General

28th December, 1949.

Headquarters
Western Command,
Kingsway Avenue,
EDMONTON, Alta.



DISTRICT COURT MARTIAL - 28 NOV 1949
SB 153215 SPR DOGGART, W
23rd Fd Coy RCE

Receipt of your WC/SB 153215(A)
dated 19 DEC 49 together with proceedings of
the marginally-noted District Court Martial,
is acknowledged.

2. These proceedings have been noted in
the records of this Office under Serial No.47172.

WIMS/ER:4923

W.M.W. Shaw
(W.M.W. Shaw) Lt.-Col,
for JUDGE ADVOCATE GENERAL

*Recorded
Dec 30 '49
adm (8)*

*NOTED
Ephraim's Capt
for "D" Adm
6 '50*

local 2891

MEMORANDUM - DISTRICT COURT-MARTIAL

No. SB.153215 Name Melville DOGGART

Rank Spr Unit 23rd Field Squadron, RCE

Charge Sec 18(4) Army Act - Stealing Public Property

Sec 40 Army Act - Conduct to the Prejudice of Good Order and Military Discipline

Date of Crime 16th Nov 1949 ✓

Date of Arrest 16th Nov 1949 ✓ Charge Signed 23rd Nov 1949

Orders for D.C.M. 26th Nov 1949

Place and Date of Trial Chilliwack, B.C. - 28 Nov 1949

Sentence To undergo detention for 60 days ✓

Date of Confirmation 7th Dec 1949

Date of Promulgation 9th Dec 1949

Entered in Records of J.A.G. as No. 47172

Date 28th Dec 1949

MEMO Accused pleaded guilty to second charge
Fine accepted by court on concurrence of
Convening Officer being signified by prosecutor.

W.M.W.
W. M. W. 1949
5172

DEC 29 1949

for Judge Advocate-General



IN REPLY PLEASE QUOTE No. WC/SB.153215(A)

DEPARTMENT OF NATIONAL DEFENCE

ARMY

Headquarters, Western Command,
EDMONTON, Alberta,
19 Dec 49

Army Headquarters,
OTTAWA, Ont.

DISTRICT COURT-MARTIAL
SB.153215 Spr. DOGGART, M.

DEC 23 1949
FILE No C-15-D-1888

Herewith Proceedings of District Court-Martial held at Chilliwack, B.C. on 28 Nov 49 for the accused SB.153215 Spr. DOGGART, M. charged under AA Sec 18(4) Stealing Public Property and AA Sec 40 conduct to the Prejudice of Good Order and Military Discipline (Alternative).

2. Spr. Doggart, M. pleaded not guilty to the first charge, of stealing public property, and pleaded guilty to the second (alternative) charge of improper possession, and was sentenced to undergo detention for 60 days.

3. The proceedings have been reviewed in accordance with CAO 62-3 and it is considered that no administrative action is required.

M. H. S. Penhale
(M. H. S. Penhale)
Major-General
General Officer Commanding
Western Command

MEDICAL OFFICER'S REPORT

H. Stevens
was
President
D.C. Ke.

I certify that No. SB 153215 Sapper DOGARE, M
of 21st Inf. Sg., 808 CA (AP) is in a good state of health,
and fit to undergo Trial by Court martial.

R. M. Hetherington
Medical Officer
(N Hetherington, ~~was~~ MCAM)

Station Chilliwack, PG

Date 28 Nov 1949

printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for General and District Courts-Martial

Proceedings of a District Court-Martial held at Conference Room, Royal Canadian School of Military Engineering, on the 28th day of November, 19 49 by order of Brigadier

M.P. BOGERT, DSO, OBE Commanding BC AREA CANADIAN ARMY dated the 26th day of November, 19 49.

President.
68978 Major K. H. Stevens, RE
Royal Canadian School of Military Engineering

Members.
ZK 980 Captain G. P. Miggins, RCCEME
216 Workshop RCCEME Chilliwack BC
TK 10304 Captain R. S. Minter, RCASC
Chilliwack Det 11 Coy RCASC

19850 Squadron Leader G.W. Brown, MBE, North West Air Command, Edmonton, Alberta, Judge Advocate.

Trial of* SB 153215 Sapper Melville DOGGART, 23rd Field Squadron, RCE

G.W.B.

The order convening the Court, the charge-sheet and the summary (or abstract) of evidence are laid before the Court.

The Court satisfy themselves that ~~_____~~ is not available to serve owing to ~~_____~~ waiting member takes his place as a member of the Court.

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.*

The accused is brought before the Court.

Prosecutor † ZB 482 Captain J. B. Delage, RCE,
Royal Canadian School of Military Engineering
G.W.B. defending officer † ZC 976 Captain H.E.A. Devitt, RCE,
Royal Canadian School of Military Engineering, Chilliwack, B.C.

At 1330 hours the Trial commences.

The order convening the Court is read, and is marked signed by the President, and attached to the proceedings. X

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q. 1 Question by the President to the accused. Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A. 1 Answer by No, sir. (N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Unit, Attachment (if any), and Appointment (if any).
† Here state Rank and Name, Unit (if any), and Attachment (if any).
‡ Qualification to be stated.

(Strike out and initial when not applicable.)
CAF 271
3M-3-40 (2060)
H.Q. 224-21-B-271

~~I have satisfied myself that none of the officers detailed as members of this Court have previously served as a member of an Inquiry respecting the matters forming the subject of the charge (charges) before the Court-Martial.~~

43X

B

The President, members and judge-advocate are duly sworn.

Q. 2 Do you object to 23162 F/S E.H. Kurtz NWAC HQ Edmonton, Alta., acting as shorthand writer? Answer, No, sir. Question to the accused.

23162 F/S E.H. Kurtz, NWAC HQ Edmonton, Alta., is duly sworn as shorthand writer.

~~The following officers and/or instructors, having been duly detailed, are duly sworn.~~

Charge-Sheet

Instruction.
If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

M.A.A.

The accused is arraigned upon ~~the~~ [each] charge in the above-mentioned charge-sheet.

Q. 3 SB 153215 Sapper Melville DOGGART, 23 Field Squadron, Royal Canadian Engineers. Is that your number, rank, name and unit? Question to the accused.

A. 3 Yes, sir. Answer.

Q. 4 Are you guilty or not guilty of the [first] charge against you, which you have heard read? Question to the accused.

A. 4 Not guilty, sir. Answer.

Q. 5 Are you guilty or not guilty of the second charge against you, which you have heard read? Question.

A. 5 Guilty, sir. Answer.

~~Are you guilty or not guilty of the third charge against you, which you have heard read? Question.~~

The Court being satisfied of the justice of such course and the concurrence of the convening officer having been signified by the prosecutor, accept and record a plea of guilty to the second (alternative) charge. The Court find the accused not guilty of

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read? Question.~~

the first charge. (R.P. 37(A)) Answer.

The accused having pleaded Guilty to the second charge the provisions of Rule of Procedure 35 (B) are here complied with.

Instruction.
If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge.

"B 2"

CHARGE SHEET

H. J. Jones
was
President

The accused, SN 152215 Spr Melville DOBARE, 23 Field Squadron, Royal Canadian Engineers, a soldier of the Canadian Army (Active Force) is charged with:-

D.L.M.
28 Nov 49

STEALING PUBLIC PROPERTY

- in that he -

First Charge
Section 16(4)
Army Act

at the Royal Canadian School of Military Engineering, Chilliwack, BC on the 16th Nov 1949 stole a set of dies from the plumbing shop of the Royal Canadian School of Military Engineering, Chilliwack, BC

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

- in that he -

Second Charge
(Alternative)
Section 40
Army Act

at the Royal Canadian School of Military Engineering, Chilliwack, BC on the 16th Nov 1949 was improperly in possession of a set of dies on charge of the plumbing shop of the Royal Canadian School of Military Engineering, Chilliwack, BC.

Chilliwack, BC
23rd November, 1949

D. Aitken
(D.F. Aitken) Major, ROE
Officer Commanding
23 FIELD SQUADRON RCE CA(AT)

TO BE TRIED BY DISTRICT COURT MARTIAL.

VANCOUVER BC
26 Nov 49

J. St. Laurent
J. ST. LAURENT, MAJOR
DAAG BC AREA
FOR COMMANDER BC AREA
CANADIAN ARMY

(This page to be removed from proceedings when plea to all charges is Not Guilty.)

CC

Proceedings on Plea of Guilty

*To be struck out in case no plea of "Not Guilty" has been proceeded with.

~~*[The Court having been re-opened, the accused is again brought before it, and the charge to which he has pleaded "Guilty" read to him again.]~~

M. U. A.

The accused SB.153215 Sapper Melville DOGGART, 23rd Field Squadron, Royal Canadian Engineers is found guilty of the second (alternative) charge.

Q. 6 Question to the accused.

Do you wish to make any statement in reference to the charge(s)?

Answer.

A. 6

The accused in reference to the charge(s) says:-

Well, on the 16th day of November, at approximately 1500 hours -- I'll start from the beginning. I applied for a plumber's group 2 trade test at the 23rd Field Squadron orderly room -- Sapper Service and I did -- we both applied together, and he at night had been teaching me plumbing and heating because he had the plumbers' course and knew more about theory than I did. During the course of the study I came across different things and suddenly it came to my knowledge I didn't know all the tools. So, I went to work as usual and had occasion to go to the tool room and while looking around the tools I noticed those Vosper stock and dies. I never used stocks and dies when I worked on civvy street, therefore I intended to study them, because I didn't know what was on the group 2 plumbers' trade test. So, I took the dies from the tool room and set them outside against the wing of the hut, because I appreciated if I asked Corporal Gillies for a loan of them for the night I would have been refused. I took the box of stocks and dies from the tool room and placed it in a sand bag so as not to ruin the box they were in and I hid them outside with the intention of taking the dies to the hut and study them and return them the following morning. That is the reason I went there right after we stopped work at 4:30. I went to the hut and asked Sapper Fadden to drive me to the plumbing shop. That is the reason I went to pick them up when it was broad daylight, as I had no intention of stealing them whatsoever. The dies were all small and were in quite a large-sized box. As I said before, it was not my intention to steal them. If I had any intention of stealing them or keeping them whatsoever I wouldn't have left them in the box. I would have taken them out of the box. That is all I have to say, sir.

M. U. A.
M. U. A.

M. U. A.

*The summary ~~for abstract~~ of evidence is read, marked " G " signed by the President, and attached to the proceedings.

Instruction.

*If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

DD



Q. 7 Do you wish to make any statement in mitigation of punishment?

Question to the accused.

A. 7 ~~The accused in mitigation of punishment says:~~ No, sir.

(or hands in a written statement, which is read, marked, signed by the President, and attached to the proceedings)

Answer.

P. A. D.

Q. 8 Do you wish to give evidence yourself or to call any witnesses as to character?

Question to the accused.

A. 8 No, sir.

Answer.

Evidence as to character.

P. A. D.

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused

M. W. A.

ANNOUNCEMENT OF FINDINGS

The Court being re-opened the accused is again brought before it.

The finding(s) is (are) read in open court and except the finding(s) of "Not Guilty" is (are) announced as being subject to confirmation.

Proceedings on Conviction before Sentence

ZB 482 Captain J. B. Delage, RCE, Royal Canadian School of Military Engineering, is duly sworn.

Evidence of character, etc.

Q. 9 Question by the President.
A. 9

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness. I submit, sir, form MFB 355, Statement as to Character and Particulars of Service of Accused.*

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y" signed by the President, and annexed to the proceedings.

Q. 10 Question by the President.
A. 10

Is the accused the person named in the statement which you have heard read? *Answer by the witness. He is, sir.*

Q. 11 Question.
A. 11

Have you compared the contents of the above statement with the regimental books? *Answer. I have, sir.*

Q. 12 Question.
A. 12

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer. They are, sir.*

[Instruction—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross examined by the Defending Officer (accused) (Counsel for the~~

THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE

- - - In the opinion of the Court and the Judge Advocate it is not necessary to comply with R.P. 85(B).

- - - THE WITNESS RESUMES HIS SEAT.

Q. 13 Question to the accused.
A. 13

Do you wish to address the Court?

My Defending Officer will speak for me. (See attached document
The Court is closed for the consideration of the sentence. **marked " H "**

F

Sentence

The Court sentence the accused SB.153215 Sapper Melville DOGGART, 23rd Field Squadron, Royal Canadian Engineers, to undergo detention for 60 days.

Sentence.
Detention
60 days.

Announcement of Sentence

The Court being re-opened the accused is again brought before it.

The sentence ~~(and confirmation)~~ is ~~not~~ announced in open Court; the sentence is announced as being subject to confirmation.

Signature

Signed at Chilliwack, British Columbia,
this 28th day of November, A.D. 1949..

G. W. Brown
Judge Advocate
(G. W. Brown) Squadron Leader

K. H. Stevens
President
(K. H. Stevens) Major

Confirmation

Confirmed
Signed at Vancouver, British Columbia,
this seventh day of December A.D. 1949.

M. P. Bogert
Brigadier

Promulgation

Promulgation and extracts taken at *Chilliwack, British Columbia*
this 9th day of *December* A.D. 1949.

D. Weston
Maj

EXTRACTS entered in No. 47792
Record of Courts-Martial kept in the
office of the Judge Advocate General
on 28th day of Dec 1949

" X "

K. Stevens
President
28 Nov 49

Orders by BRIGADIER M P ROBERT, DSO, OBE Commanding
the BC AREA CANADIAN ARMY

District Court-Martial

SB 153215 Sapper DOGGART Melville 26 November 1949
23rd Field Squadron RCE

The detail of Officers as mentioned below will assemble

at Conference Room RCSME on Monday

the 26th day of November 1949 at 1030 hours
for the purpose of trying by a District Court-Martial the accused person (persons)
named in the margin (and such other person or persons as may be brought before
them).

PRESIDENT

68978 Major K H STEVENS, RE RCSME is appointed President.

MEMBERS

ZK 980 Capt G P MIGGINS, RCEME 216 Wksp RCEME CHILLIWACK BC
TK 10304 Capt R S MINTER, RCAASC CHILLIWACK Det 11 Coy RCASC

WAITING MEMBERS

2 ~~ZK 976 Capt J K KERVIN, RCE~~ *2* ~~RCSME, CHILLIWACK~~
ZK 646 Capt J K KERVIN, RCE CHILLIWACK Det 11 Works Coy RCE

JUDGE ADVOCATE

19850 Squadron Leader G W BROWN, MBE
North West Air Command, EDMONTON, Alberta ~~has been~~ (is hereby) appointed Judge Advocate *S*

PROSECUTOR

ZB 482 Capt J B DELAGE, RCE RCSME ~~has been~~ (is hereby) appointed Prosecutor *S*

DEFENDING OFFICER

ZC 976 Captain H.E.A. DEVITT, RCE RCSME ~~has been~~ (is hereby) appointed Defending Officer *S*

The accused will be warned and all witnesses duly required to attend.

The Commandant RCSME will arrange for the necessary accommodation, stationery, court orderly, escort, shorthand writers, and interpreters.

The proceedings will be forwarded to DAAG HQ BC AREA

Signed this 26th day of November 1949

L. J. St. Laurent
(L. J. St. LAURENT) MAJOR
DAAG BC AREA
FOR COMMANDER BC AREA
CANADIAN ARMY

M.F.B. 220
A.F.A. 47
25M-39-42 (4501)
H.Q. 1772-36-5/4

" G "

SUMMARY OF EVIDENCE

H. Stevens
President
28 Nov 49

In the case of SR 153215 Sapper Melville DOGGART,
23 Field Squadron, Royal Canadian Engineers, a soldier
of the Canadian Army (Active Force).

Charged with

- (1) Under Section 18(4) of the Army Act, with stealing a set of dies from the Plumbing Shop of the Royal Canadian School of Military Engineering, Chilliwack, BC.

OR ALTERNATIVE

- (2) Under Section 40 of the Army Act with being improperly in possession of a set of dies on charge of the Plumbing Shop of the Royal Canadian School of Military Engineering, Chilliwack, BC.

LIST OF WITNESSES

In the case of SB 153215 Sapper Melville DOGGART,
23 Field Squadron, RCE Ca(AF)

FOR THE PROSECUTION

- (1) SB 135054 Cpl PELISSIER, R A
- (2) SK 10633 Cpl GILLIES, T W
- (3) SD 148930 L cpl JOLLY, H F
- (4) SC 64643 Spr BEAULIEU, J L
- (5) SK 54134 Spr FADEN, E P
- (6) SC 2503 WOII STANBROOK, L F
- (7) SF 10726 WOI MILLS, W H

FOR THE DEFENCE

- (1) SC 135676 Spr SERVICE, R J
- (2) SF 39155 Spr RHIBOUREAU, H J

The Officer Commanding directs that the evidence be taken on oath.

FIRST WITNESS
Prosecution

SB 135054, Cpl Pelissier, RA, Royal Canadian School of Military Engineering, having been duly sworn states:-

I am SB 135054, Cpl Pelissier, RA, RCEME. I am an instructor at the plumbing shop at RCEME. On the 16 Nov 49 at approximately 1430 hrs Spr Doggart came to me and asked me for the key to the back door at the South end of the plumbing shop to get a pail of coal. I told Spr Doggart that he could use the front door. Approximately one half hour later, Spr Doggart asked me for the key again saying that he wanted to put some empty sand bags outside the building. I reported it to Cpl Gillies as it looked suspicious. At 1630 hrs I went around back of the plumbing shop to see if there was 'nt anything laying around and discovered, wrapped in a sand bag, a set of Vosper stock and dies complete. This sand bag was hidden outside behind old crates and bins in between the two wings of the "H" hut. I called Cpl Gillies over to note what I had discovered. Cpl Gillies and I drove to Hq and reported the case to Sgt Major Stanbrook. Before leaving for Hq, we put Spr Beaulieu, JL, on guard. At Hq Sgt Major Stanbrook took us to the Provost. We reported to L cpl Jolly and L cpl Jolly drove back to the plumbing shop with Cpl Gillies and I. We showed L cpl Jolly where the dies had been hidden. From the plumbing shop L cpl Jolly and I walked over to the Post Office and went in by the south end entrance. While in the Post Office building I went to the ablutions and as I looked through the back door of the Post Office building, I saw Spr Faden with his light delivery truck driving towards the plumbing shop. I saw Spr Doggart get out of the truck and walk over in the direction of where the tools had been hidden. I called L cpl Jolly over and he went over and arrested Spr Doggart.

- Q.1. Were you present when Spr Doggart was arrested by L cpl Jolly?
- A.1. I was across the road.

FIRST WITNESS (Cont'd)
Prosecution

SB 135054 Cpl Pelissier, RA.

Q.2. Was Spr Daggart carrying anything when arrested?

A.2. I could not see because he was on the other side of the vehicle.

Q.3. Did you see Spr Daggart immediately after he was arrested?

A.3. No, Sir, I cpl Jolly drove away in Spr Fadden's truck with Spr Daggart.

Q.4. When you found this set of stock and dies wrapped in a sand bag, did you examine it?

A.4. Yes, Sir.

Q.5. Did you recognize it as a set that was on charge of the plumbing shop?

A.5. Yes, Sir.

Q.6. How would you know?

A.6. When Cpl Gillies locked the tool room he told me that a set of stock and dies was missing and the one I examined wrapped in a sand bag was identical to the one missing.

Q.7. Has Spr Daggart ever asked you to borrow a set of stock and dies to study?

A.7. No, Sir.

Q.8. Has anybody ever asked you to borrow a set of stock and dies to study?

A.8. No, Sir.

Q.9. Has anybody ever asked you to borrow a set of stock and dies for their own purpose?

A.9. Yes, Sir.

Q.10. Would a set be loaned under usual circumstances?

A.10. Yes, Sir.

The Accused declines to cross-examine the witness.

R.A. Pelissier

(SB 135054 Cpl Pelissier, RA)

SECOND WITNESS
Prosecution

SK 10633 Cpl Gillies, TW, Royal Canadian School of Military Engineering, having been duly sworn states:-

I am SK 10633 Cpl Gillies, TW. I am in charge of the plumbing shop at RCSEM. On the 16 Nov 49, at about 1430 hrs, Cpl Pelissier had a suspicion that Spr Daggart was asking for the key to the back door to take some sand bags outside. I requested that these sand bags would be piled at the back of the shop, but I did not mean outside the shop. Due to Cpl Pelissier's suspicion we checked the shop at 1630 hrs, the sand bags and the tool room. While in the tool room we noticed that a set of Vesper stock and dies was missing where upon we searched the building inside and outside and found the set of stock and dies hidden outside wrapped in a sand bag. We then notified the Provost.

Q.1. Did you examine the set of stock and dies when you found it?

A.1. Yes, Sir, we did.

SECOND WITNESS (Cont'd)
Prosecution

SK 10633 Cpl Gillies, TW.

Q.2. Did you recognize it as the set that was missing?
A.2. Yes, Sir, it was.

Q.3. How could you tell?
A.3. While in the tool room we checked and I knew the types we had on charge. This would be the only set of that particular type because the three sets we had in the tool room were strapped together with a packing wire. The packing wire had been cut and one set was missing.

Q.4. Were you there when Spr Doggart was arrested by the Provost?
A.4. No, Sir.

Q.5. Are you personally in charge of the tools in the plumbing shop?
A.5. Yes, Sir.

Q.6. Therefore, are you in a position to know what is in the plumbing shop and where?
A.6. Yes, Sir.

Q.7. Has Spr Doggart asked you at any time to borrow a set of stock and dies to study them?
A.7. No, Sir.

Q.8. Has anybody at any time ever asked to borrow a set of stock and dies to study them?
A.8. No, Sir, not while I have been in charge of the plumber shop.

Q.9. How long have you been in charge of the plumber shop?
A.9. Since January 49.

The accused declines to cross-examine the witness.

P. W. Gillies
(SK 10633 Cpl Gillies, TW)

THIRD WITNESS
Prosecution

SD 148930 L cpl Jolly, HT, Canadian Provost Corps, Royal Canadian School of Military Engineering, having been duly sworn states:-

I am SD 148930 L cpl Jolly, HT, performing the duties of Unit Provost at RCSI. At approximately 1635 hrs the 16 Nov 49, I was notified by Sgt Major Stanbrook, Cpl Pelissier and Cpl Gillies of the theft of one set of dies out of the store room in the plumbing shop. I went down to the plumbing shop with Cpl Pelissier and Cpl Gillies and examined the store room and was shown where the dies were hidden outside the building. I relieved the guard, Spr Beaulieu, who was detailed by Cpl Gillies and went in the Post Office to watch what would happen. At approximately 1700 hrs, I saw the accused Spr Doggart coming to the rear of the plumbing shop with Spr Fadden and pick up the dies from where they were hidden. Spr Doggart was about to get in Spr Fadden's truck when I placed the two men under arrest and took them to Hq. They were placed in the guard room for the night.

Q.1. Did you arrest Spr Doggart before he got in Spr Fadden's vehicle?
A.1. Just as he was getting in.

THIRD WITNESS (Cont'd)
Prosecution

SD 148930 D cpl Jolly, HI.

Q.2. Was he carrying anything when you arrested him?
A.2. He had in his hand the set of dies which were in their original container and wrapped in a sand bag.

Q.3. Did you examine the dies then?

A.3. No, Sir, but I knew what they were and I examined them when I arrived at Hq.

Q.4. Are you sure that this package that you examined at Hq and found out to be the set of dies was the same as the package you had confiscated from Spr Daggart?

A.4. Yes, Sir.

The accused declines to cross-examine the witness.

H J Jolly

(SD 148930 L cpl Jolly, HI)

FOURTH WITNESS
Prosecution

SG 64643 Spr Beaulieu, JL, Royal Canadian School of Military Engineering, having been duly sworn states:-

I am SG 64643 Spr Beaulieu, JL, presently on a plumbing course at ROSMEE. On the 16 Nov 49 at about 1630 hrs, Cpl Pelissier came to me and asked me to remain in the plumbing shop and watch to see if anybody was coming around and if so, to let him know who it was. Cpl Pelissier was going over to the guard room and he came back with Cpl Gillies and a member of the Canadian Provost Corps. He asked me if anybody had come and I said "No". He then told me I could leave.

The accused declines to cross-examine the witness.

J. L. Beaulieu

(SG 64643 Spr Beaulieu, JL)

FIFTH WITNESS
Prosecution

SM 34134 Spr Fadden, EP, 23 Field Squadron RCE, having been duly sworn states:-

I am SM 34134 Spr Fadden, EP, of the 23 Field Squadron, RCE. At about 1645 hrs, 16 Nov 49, I was in hut nine and Spr Daggart came to me and asked me if I could give him a lift in my car. I said he could. He then requested me to drive around to the plumbers' shop because he had something to pick up there. I stopped at the plumbing shop and Spr Daggart got out of the car. As I was waiting for him I heard a yell and saw L cpl Jolly coming over to my car. L cpl Jolly told Spr Daggart that he was under arrest, got in my car and asked me to drive him over to Hq. L cpl Jolly took us both in the RSM's office and he told the RSM what had happened. L cpl Jolly opened the package that Spr Daggart had been carrying and then found a set of Vesper dies.

Q.1. Did you know for what reason Spr Daggart asked you to drive him?

A.1. No, Sir.

The accused declines to cross-examine the witness.

EP Fadden

(SM 34134 Spr Fadden, EP)

SIXTH WITNESS
Prosecution

SC 2583 WOII Stanbrook, IP, Royal Canadian School of Military Engineering, having been duly sworn states:-

I am SC 2583 WOII Stanbrook, IP, Sgt Major in charge of the Instructional Department of Trades Training at the Royal Canadian School of Military Engineering. On the 16 Nov 49, at approximately 1650 hrs, Cpl Gillies together with Cpl Felissier reported in to Trades Training office and informed me that after closing the plumbing shop that night they had found one set of stock and dies outside the building. They had posted a guard over these stock and dies and had then come to the office to report to me. I immediately took them to the Provost office and placed the matter in their hands.

Q.1. Would you know the value of a set of Vosper stock and dies?

A.1. They would be approximately \$17.00.

The accused declines to cross-examine the witness.

L. F. Stanbrook
(SC 2583 WOII Stanbrook, IP)

SEVENTH WITNESS
Prosecution

SP 10726 RSM WO1 Mills, NH, Royal Canadian School of Military Engineering, having been duly sworn states:-

I am SP 10726 RSM (WO1) Mills, NH, Regimental Sergeant-Major for the RCME. At approximately 1705 hrs 16 Nov 49, I Cpl Jolly of C Pro C escorted Spr Daggart and Spr Padden to my office. I Cpl Jolly had in his possession at that time a box which was in a sand bag. This box contained a stock and six dies Vosper type. I Cpl Jolly reported to me that outside the RCME plumbing shop he had apprehended Spr Daggart who was carrying the box towards a civilian vehicle. He also apprehended Spr Padden who was driving the said vehicle. I questioned Spr Daggart as to why he was in possession of this equipment and he stated that when leaving the plumbing shop to go to his quarters, he noticed the said box in a sand bag beside one of the wings of the plumbing shop. After he got to his quarters he said he got to thinking to what it was and why it was there and he got Spr Padden to drive him over to the plumbing shop where he picked up the package with the intention of keeping it in his quarters over-night for safekeeping and returning it to the plumbing shop the following day. I then ordered that both Spr Daggart and Spr Padden to be held in close arrest pending further investigation.

The accused declines to cross-examine the witness.

N. F. Mills
(SP 10726 RSM (WO1) Mills, NH)

FIRST WITNESS
Defence

SC 135676 Spr Service, RJ, 23 Field Squadron, RCB, having been duly sworn states:-

I am SC 135676 Spr Service, RJ, of the 23 Field Squadron, RCB. Spr Daggart and myself had both applied for a Plumber Group II trades test. We were both studying together after hours.

FIRST WITNESS (Cont'd)
Defence

SC 135676 Spr Service, RJ.

Q.1. Did you need a set of dies in your studies?

A.1. Well, we have to know all the tools to pass a trade test.

Q.2. Did you know that Spr Daggart was trying to get one set of stock and dies to study?

A.2. No, Sir.

Questions by the accused

Q.1. Did I ever mentioned to you about having to brush up on my tools?

A.1. Yes, you said that you did not have the plumbers' course and that there might be some tools you had not run into in civilian life.

Q.2. Is there any one else to certify that both of us had been studying at night?

A.2. Yes, Spr Currie and Spr Thibodeau.

R. J. Service

(SC 135676 Spr Service, RJ)

SECOND WITNESS
Defence

SF 39155 Spr Thibodeau, MJ, 23 Field Squadron, RCE, having been duly sworn states:-

I am SF 39155 Spr Thibodeau, MJ, of the 23 Field Squadron, RCE.

Q.1. Did you know if Spr Daggart and Spr Service were studying at nights?

A.1. Yes, Sir, they were.

Q.2. Do you know what they were studying?

A.2. Yes, Sir, they were studying for a Plumber Group II trades test.

The accused declines to cross-examine the witness.

M. G. Thibodeau

(SF 39155 Spr Thibodeau, MJ)

QUESTION TO THE ACCUSED

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.

STATEMENT BY THE ACCUSED

I am SF 13215 Spr Daggart, M, of the 23 Field Squadron, RCE. On the 16 Nov 49, at approximately 1500 hrs, I took one set of Vesper dies from the tool room of the plumbing shop and placed them in a sand bag so as to keep the box in good shape and set them outside against a wing of the plumbing shop out of sight so nobody else could see it. As I put in for a Plumbers Group II trade test and had been studying after hours

STATEMENT BY THE ACCUSED (Cont'd)

for the test, it came to my knowledge that I was not sure about all the tools. The Vesper stock and dies which I noticed in the plumbing shop, I had never used on city street and so therefore, I was going to study it. Due to the fact that I had intentions of returning them the following morning, I had left them intact in the box. When I was apprehended by L. Cpl Jolly of the C Pro C and taken to the RSM's office and when the RSM questioned me, I was so shocked by being caught that I told him the first story that entered my head. Had I had any intentions of stealing the stock and dies, I would not have left them in the box.

John Duggan M.
(SR 155215 Spr Duggan, K)

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

Taken down by me in writing in the hearing and presence of the accused, At ROSHE, Chilliwack, BC this 22nd day of November, 1949.

J.P. Belanger
(J.P. Belanger) Capt, RCE
Officer detailed to take
Summary of Evidence

Chilliwack, BC
23 November, 1949

" H "

ADDRESS BY DEFENDING OFFICER
IN MITIGATION OF PUNISHMENT

Mr. President and Gentlemen:

I believe it is quite apparent from the evidence that has been adduced to the Court, in the form of the Summary of Evidence, that the accused had no intent or future ideas with respect to the disposal of the set of Vosper dies. The accused does acknowledge that he was improperly in possession of that set of Vosper dies, but I am quite certain from the evidence submitted that you can only be satisfied that he was only improperly in possession of that set of dies for a very good reason.

Sapper Doggart had applied, as he stated, to the 23rd Field Squadron -- his Unit -- on the 16th day of November for a trade test as a plumber group 2. From his statement you have heard that he was, prior to that time, endeavouring to prepare himself for a plumber group 2. It is essential for any trade test as a plumber, for the candidate to know the uses and the types of the various tools in the plumbing trade. That is the idea the accused had in mind and on the day in question he took it upon himself -- rather than asking his superior officer whom he fully anticipated would give him a negative answer -- Doggart took it upon himself to borrow the tools for the evening to discuss with his chums in his barrack room, thereby furthering his own knowledge with a view to passing his trade test as a plumber group 2 a few days later.

You have probably noted from the evidence that there was nothing underhanded in the method used to remove the tools. They were removed in the afternoon, after the accused had asked for a key to the back door of the plumbing shop. After work Doggart came back to the shop, and because of the size of the whole box he asked one of his friends to drive over and help him remove it, and it seems he was intending to return to his quarters with it when apprehended. I am quite certain the Court can only justifiably find the accused to be in improper possession of the Vosper dies because he had not obtained the permission of his instructor to remove them. He did improperly remove them, but with no malicious intent in mind at the time.

The accused's Squadron Officer (Training) who is unavoidably absent in Vancouver at the present time, without questioning on my part, offered to me the other day a statement as to the accused's character. He stated that the accused served under him during a recent scheme at Mainwright and that his character, conduct and military bearing were most commendable at all times during that scheme. The officer in question was most surprised to hear that such a charge had been laid against Doggart, knowing full well his character.

I am quite certain, gentlemen, that you will agree with me when I submit that the charge as laid in point of fact is correct -- he was in improper possession of that set of dies -- but that his reason for same was a very good one. On behalf of the accused, therefore, I would ask for clemency in any punishment which you may deem necessary in connection with this charge.

Judge Advocate: Captain Devitt, the matters you mention are raised in mitigation only, is that correct?

Defending Officer: Yes, sir.

Judge Advocate: And you don't suggest the accused was completely justified in doing what he did?

Defending Officer: No, sir. He should have obtained permission. *U.C.A.*

- Y -

H. Tweed
M.F.D. 255
1034-8745 (7478)
A.F.D. 295
28 Nov 49

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number SP 153215 Rank Sapper Name Melville, DOGGART. Regiment (or unit) 23 Field Squadron, ROE CA(AF)

1. The following is a fair and true summary of the entries in the 022 ~~Service and General~~ 022
~~Regimental and Squadron, Battalion~~ 022
Conduct sheets 022
~~or Company Conduct sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, 022
of summary awards under Section 47 of the ~~Army Act~~ Air Force Act and of cases in which trial has been dispensed with.

Within last 12 months	Since enlistment or appointment
For <u>022</u> times	For offence under Sec 15(1) AA <u>022</u> times
For <u>022</u> times	offence under 24(2) AA - Once - <u>022</u> times
For <u>022</u> times	<u>022</u> times
For <u>022</u> times	<u>022</u> times

Number of instances of gallantry or distinguished conduct 022
There are no entries in the conduct sheets of the accused. 022

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted

Previous convictions of the accused by a court martial or a civil court, of summary awards under 022
~~Air Force Act~~ 022 ~~A.F.A. 73~~ 022 are set out in the Schedule 022
annexed to this statement. 022

3. The accused is not under sentence at the present time.

The accused at the present time is under sentence for 022
beginning on the 022
day of 022

4. The accused has been in confinement awaiting trial on the present charges, for 022 days in 022
civil custody, and 12 days in ~~Air Force~~ 022 military custody, making a total of 02 days in custody,
of which 022 days were spent in hospital. 022

5. The present age of the accused according to his 022 record of service is 022
attestation paper 20 yrs 10 mos

6. The date of his 022 commission specified in his 022 record of service is 022
attestation 022 enrolment and attestation paper 28 January 1945

7. The service which the accused is allowed to reckon towards discharge is 022 666 days

8. The accused is entitled to reckon 022 service for the purpose of determining his pension, etc. 022

9. The accused is in possession of or entitled to no 022 air force decoration, or 022 air force reward (or is in 022
possession of or entitled to). State any air force decoration or reward 022
military 022

10. (If the accused is a warrant officer.) The accused before he was made a warrant officer last held 022
Air Force 022
the regimental rank of 022

RELIEVING OPERATOR _____

OPERATOR'S INITIALS *RF*

_____ HOUR *14.15*

COUNTER NUMBER *13191*

Affidavit

PROVINCE OF ONTARIO } I, Juan Robles
 COUNTY OF CARLETON } of the City of Ottawa, in the County of
 TO WIT: } Carleton, an employee of the Department of
 National Defence, make oath and say:

1. THAT I am presently employed as a camera operator making microphotographic copies of Departmental documents for the purpose of providing a permanent record of same.

2. THAT on the date indicated therein I did make microphotographic copies of files listed in Appendix "A" hereto and of all documents contained thereon.

3. THAT the said microphotographic copies may be identified from the indexing data and the job and reel numbers contained in Appendix "A".

SWORN before me at the
 City of Ottawa, in the
 County of Carleton, this
 day of
 A.D. 19

.....
 A NOTARY PUBLIC

Appendix "A" to the affidavit

dated

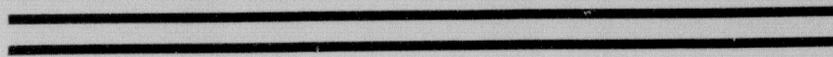
March 13 1951

CAMERA OPERATOR'S REPORT

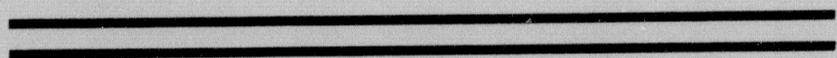
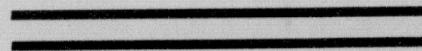
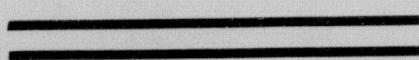
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			BOOK NO. <u>21</u>	
PRODUCTION DATA			INDEXING DATA	
			<u>44-D-14A</u>	
	DATE	HOUR	BEGINS WITH <u>C.55-D-1886</u>	
STARTED			1.	
FINISHED			2.	
TOTAL NO. OF HOURS		<u>1/6</u>	3.	
TOTAL NO. OF IMAGES		<u>83</u>	ENDS WITH <u>C.55-D-1888</u>	

J.B

END



FIRST



SIDE

44.D.14A